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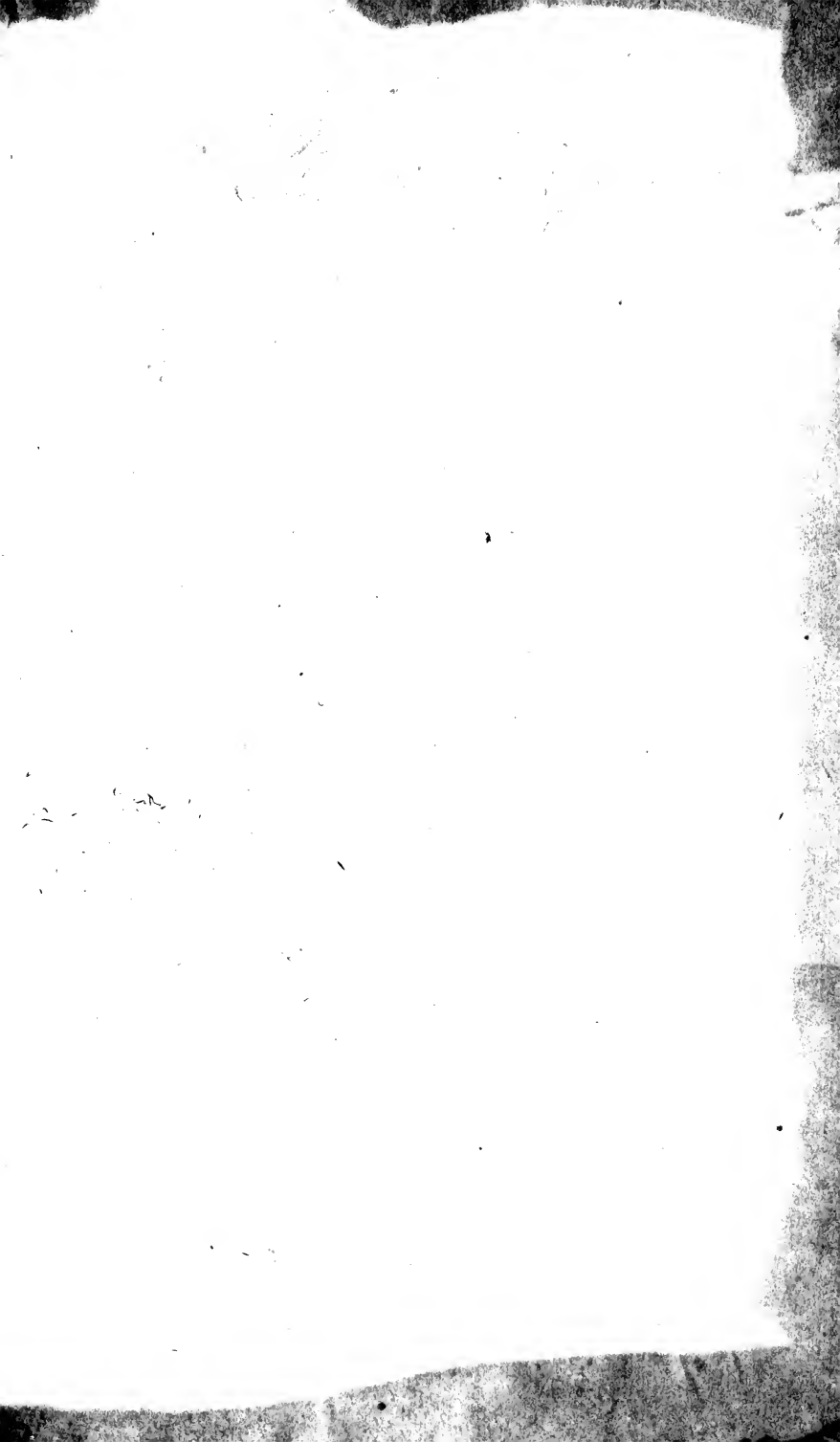
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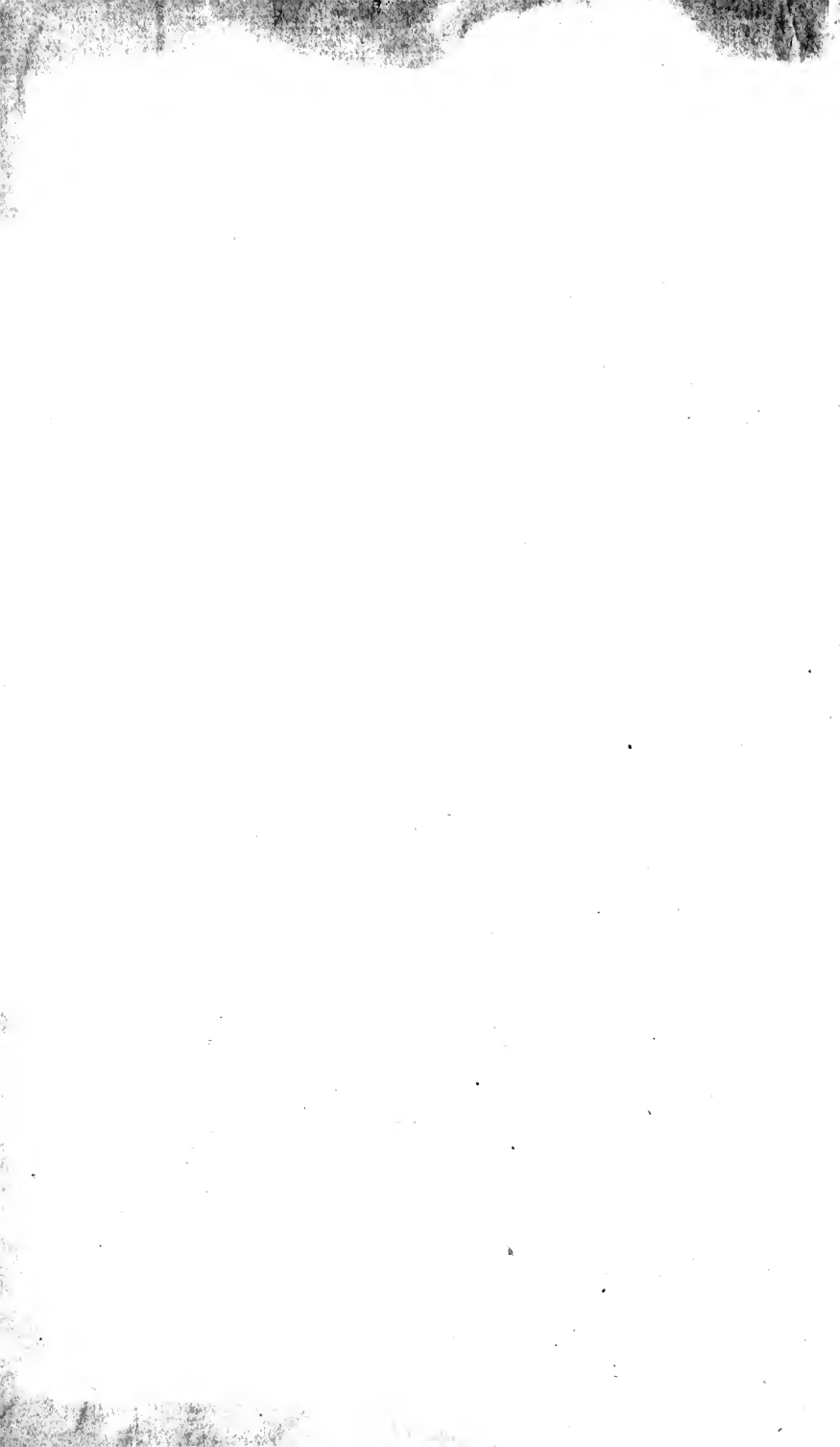
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**INCESTUOUS MARRIAGE.**

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A

**DISSERTATION**

ON

**THE MARRIAGE OF A MAN**

WITH

**HIS SISTER IN LAW.**

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BY JOHN H. LIVINGSTON, D. D.  
S T P.

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Ye shall do my Judgments, and keep my Ordinances, to  
walk therein: I am the LORD your God.....Levit. xviii. 5.

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*District of New-Jersey, ss.*

{ L. S. } BE IT REMEMBERED, that on the sixth day of May, in the fortieth year of the Independence of the United States of America, AVA NEAL, of the said district, hath deposited in this office, the title of a book, the right whereof he claims as Proprietor, in the words following, to wit:

“A Dissertation on the Marriage of a Man with his Sister in Law. By JOHN H. LIVINGSTON, D.D. S.T.P. Ye shall do my Judgments, and keep my Ordinances, to walk therein: I am the Lord your God. . . Levit. xviii. 5.”

In Conformity to an act of the Congress of the United States, entitled, “An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned:” and also to the act, entitled, “An act supplementary to the act, entitled an act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints.”

ROBERT BOGGS,  
*Clerk of the District of New-Jersey.*

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**AT** the last ordinary session of the **GENERAL SYNOD** of the Reformed Dutch Church, when the case of a man who had married his sister in law was brought up from a lower judicatory; the consideration of the question, which that case suggested, was postponed, and I was requested to state the arguments and ascertain the sentiments of the Reformed Church respecting the illegitimacy of such a connubial connection.

The subject, in itself, has nothing to recommend it, either to the writer or the reader. But the honour of religion, the purity of the church, and the welfare of the community, which are all implicated in the decision of the question, render it very interesting and highly worthy of discussion. A fervent desire to vindicate these, and a cheerful willingness to meet the wishes of my beloved brethren, have conquered my reluctance, and finally induced me to prepare what is now offered to the public.

The incessant pressure of official duties, during the weeks devoted to this work, afforded nothing more than interrupted

intervals, and has restricted the disquisition to narrower limits than it deserved. More could be readily suggested, and the principles and inferences might have been advanced and urged with greater precision and energy. Yet the truth is established by sufficient arguments. A matrimonial connection with a sister in law, whether the wife of a deceased brother, or the sister of a deceased wife, which last is here more particularly the object of inquiry, is proved to be incestuous; not merely an approach to incest, or a slight species of that abominable crime; but gross incest of the highest grade; a prohibited connection in the nearest collateral degree.—The Documents annexed, will give ample information respecting the rules and canons of the Church.

This Dissertation, perhaps the last pledge of my love and attachment to the Church, is now, with great respect and sincere affection, presented to the GENERAL SYNOD. It earnestly solicits the approbation and patronage of the respective members; and confidently anticipates beneficial, seasonable and permanent consequences.

If, without presumption, the words of an aged Apostle might be adopted, I would humbly say: “I have no greater joy than to hear that my children walk in the truth.” If those who heretofore cordially united with me, many have entered into rest, their eyes are closed to this world, and the

Church can no more profit by their labours. Yet being fully persuaded that they who remain are upright and intrepid in the service of their divine Master, and will also cordially receive, in the same spirit of meekness and love, what is here offered; I have been encouraged thus publicly to vindicate the truth. That it may please the Lord to preserve his Church inviolate, protect the morals of the Nation, and render all "who are on the Lord's side" zealous defenders of his law, and faithful witnesses for their God, is the fervent prayer of

JOHN H. LIVINGSTON.

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A  
DISSERTATION,  
&c.

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SECTION I.

MARRIAGE.

**MARRIAGE** is a divine institution constituting an union between one man and one woman. It was ordained for obtaining a legitimate increase of the human family; for providing mutual help and comfort; and for preventing uncleanness.

To the adorable Creator it necessarily and exclusively appertained to determine in what way, or by what means, he would introduce mankind into existence. An immediate act of omnipotence, might have produced every individual, without any direct relation or natural subordination to any other. But it pleased him, that all should spring from one source, and thus be all of one blood. To accom-

plish this mysterious purpose, it became indispensably requisite to ascertain the manner in which a legitimate generation should proceed ; and establish that rule for its attainment, which would redound most to his glory, and be productive of the greatest happiness and dignity of the human race. These high and interesting ends have been attained by the institution of MARRIAGE.

An ordinance replete with such benefits, could never have been investigated by man, or rendered efficient by human authority. None but the blessed Maker and Governor of the world, was competent to devise an adequate expedient for forming new and endearing relations ; to impress a prevailing bias in its favour ; or enforce universal submission.

Marriage is a *benevolent* institution ; benign in its principles, beneficial in its consequences, and the source of blessings and comforts, when rightly improved, which cannot, by any other means, be possibly realised. It insures a pure offspring and raises families ; it alleviates cares and protects from temptations ; it produces an affectionate commun-



ion and affords contentment and happiness, without the collision of separate interests.

It is an *acceptable* institution and universally adopted. The sacred ordinance has forever remained in force, and been received with veneration and gratitude. In every age and in all nations it has prevailed, and will continue to the end of the world. Both sexes have cheerfully submitted to it; they always have and always will be “marrying and giving in marriage.”

It is as *honourable* as it is benevolent and acceptable. The propagation of mankind, and the first principles of society are hereby established upon a respectable and virtuous basis; and human nature is dignified by the prohibition of promiscuous and unlawful cohabitation.

God honours marriage. “The Lord God said it is not good that the man should be alone, I will make him a help meet for him—and the rib which the Lord had taken from man, made he a woman, and brought her unto the man—so God created man in his own image, male and female created

he them; and God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth," Gen. ii. Gen. i. The DIVINE REDEEMER honoured marriage with his presence, and crowned it with his approbation and benediction, by a beginning of miracles in Cana of Galilee, where he manifested his glory, John. ii.—In his discourses upon the sublime doctrines and sacred precepts of his kingdom, he frequently condescended to notice marriage as an ordinance of the highest importance to mankind, and to the interests of religion in the world. He confirmed its divine origin; defended its purity; and by establishing the perpetual obligation of the moral law and explaining its extent, he retained, in their full authority and force, the precepts against incest and adultery.

The CHURCH honours marriage. Under the dispensation of the Old Testament, the institution was venerated and every violation of it severely punished. Under the New Testament, marriage is declared "to be honourable in all, and the bed undefiled, while whoremongers and adulterers God will judge," Heb. xiii. 4. The Apostles expressly recognise the ordinance; they enforce the laws by which it is pro-

tected; and often inculcate the reciprocal duties of man and wife, as essential to the welfare of society and the honour of religion.

The WORLD has always honoured marriage, and considered it as the fountain of social comfort and prosperity. All the civilized governments on earth, both ancient and modern, have taken it under their immediate protection. They have made it a prominent article in their civil codes, and enacted laws to ascertain with precision what constituted a lawful marriage, and what determined a legitimate offspring. Even the most barbarous nations have received the institution, and were never without some laws, which, although not written, were well known and defined by maxims and customs, whereby the interests of husband and wife were rendered secure, and it became criminal for strangers to interrupt or violate them.

But among the properties essential to marriage, the creation of an union, whereby two persons, who were previously strangers, become ONE, is the most singular. As this is the source of affinity, and the basis upon which our conclusions in the discussion

of the present question principally depend, it claims particular attention.

Two extremes are here to be avoided. The union, whatever it may be, must not be so far exaggerated, as to absorb personal identity, or change the moral responsibility of the individuals. The former involves a contradiction, and the latter is equally absurd. But on the other part, it must not be reduced to a mere metaphorical term, expressive of nothing more than a community of affections, cares, and interests, or at most, a federal compact.

Mankind are united by many different bonds. They all partake of the same nature, and thus far they are all one. In societies connections are formed of every description, and an union, as far as it respects the objects of such associations, is thereby produced. By covenants also, persons unite in various ways, and for different purposes. But there is no union effected by any or all of these, that can produce such an essential change, or fix a source of new relations similar to that which marriage creates.

Civilians, who view marriage simply as it respects society and affects the rights of citizens, content themselves with considering it as only a civil contract ; and define it to be “ *a covenant* made between a man and a woman, in which they mutually promise cohabitation, and a continual care to promote the comfort and happiness of each other.” This may be proper and sufficient for civilians ; yet religion gives a more exalted view of the institution. It admits such a covenant, but inculcates something more than by any covenant can be effected, while it predicates an union, so complete, that those who were formerly two are now no longer twain but ONE.

The sacred scriptures, from whence we derive our only infallible information respecting divine ordinances, teach us :

1. That the union produced by marriage is not merely nominal, but real and perfect. It constitutes what unerring wisdom denominates, without reserve, to be ONE, and designates it by the strongest terms language can express. “ This now is bone of my bones, and flesh OF MY FLESH. there-

fore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be **ONE FLESH**," Gen. ii. 23, 24. Again, "they twain shall be **ONE FLESH**," Matt. xix. 5. And again, "so ought men to love their wives as their **OWN BODIES**. He that loveth his wife, loveth **HIMSELF**—they two shall be **ONE FLESH**," Eph. v. 28, 31.\* If these terms have any meaning, worthy of divine inspiration, they indicate that, consistent with distinct personal identity, and individual responsibility, there is, if not a physical, still at least a moral union produced. And whether, in a certain respect, both are not comprehended, we, most assuredly, are not competent to decide.

2. That it is an union which constitutes a root or centre of new relations and kindred. The parties stand no longer separate, but their mutual relatives, as it regards the married persons, are completely blended and consolidated.

3. That it is an union which renders the communion of bodies legitimate and honourable; or,

\* Vidimus hic duo non pluribus opponi, sed uni. Ante foedus matrimonii duo erant, postea pro uno censentur legis interpretatione.—GROTIUS.

as the Apostle delicately expresses it, "The wife hath not power of her own body, but the husband; and likewise also the husband hath not power of his own body, but the wife," 1 *Cor.* vii. 4.—Nulla arc-tior amicitia quam mariti et uxoris, quae communionem requirit affectuum, CORPORIS, prolis, vitae denique totius.—Eadem locutio de communione CORPORIS usurpatur a Paulo, ubi de scorto agit, 1 *Cor.* vi. 16. Sed nimirum qui scorto se miscet, ea utitur PRO UXORE.

4. That it is a mysterious union.\*—There is a *mystery* in all the works and institutions of God. The means and subordinate ends, which he in his infinite wisdom adopts to accomplish his vast designs, cannot by finite minds be fully comprehended. This is exemplified, with respect to the article now before us, in the fifth chapter of the epistle to the Ephesians. The Apostle in his exhortation to husbands and wives to fulfil their reciprocal duties, exhibits the union produced by marriage, as a type of the union of Christ with his church; and closes

\* Magna est conjunctio inter parentes et liberos, cum liberi quasi pars sint parentum; attamen major ex instituto divino inter conjuges, non sine MYSTICA significatione.—Grotius in *Math.* cap. xix.

the subject with a solemn inference: **THIS IS A GREAT MYSTERY.** Some refer this mystery wholly to marriage. But the words which immediately follow, ascertain the object to which he primarily alludes; "I speak concerning Christ and the church."\*

The **UNION** between Christ and the Church is mysterious. It comprehends something which is *covered* or *hidden*, as the term signifies. It is known to exist, and his people glory in it, as an inestimable benefit of the covenant of grace, and the highest honor that can be conferred upon creatures. But what the essential nature and extent of this union are, or what it fully comprises, is to them a great mystery.

\* The *vulgate* translation has improperly rendered the original word by the term *sacramentum*, which suggested the idea to the Church of Rome, that marriage was a *sacrament*; and they accordingly introduced it as one, among the five sacraments they have arbitrarily fabricated. But it has none of the properties peculiar to a sacrament. It is common to the whole world, and not restricted to the Christian Church—This singular construction of marriage, furnishes among many others, a palpable contradiction in the creed of the Catholics. They extol marriage as an institution so sacred and divine, that it must be received and consummated as a holy sacrament; and yet reproach it as the filthy works of the flesh, indecent, and improper for such as profess extraordinary piety, and wholly forbidden to those who are devoted to the offices of the Church.



Every believer is united to Christ. This is no metaphor; nor is it merely an union by covenant, by mutual affection, or common interest. It is actual and real. As the branches are really united to the vine, and the members are really united to the head, so all the children of God are really united to their Saviour.—The reality of this union with Christ, is the basis upon which his representation of them as their surety, and the imputation of his righteousness to them for their justification, necessarily rest.—Upon this also their spiritual life, their sanctification, and perseverance in grace, wholly depend.

There is as truly and essentially an union between the LAST ADAM and every one of his redeemed family, as there is between the FIRST ADAM and all his posterity; but it is not produced in the same way. The bond of union with the first Adam is natural propagation, the bond of union with the last, is his Spirit. “The last Adam is a quickening spirit,” *1 Cor.* xv. 45. The spirit of Christ dwells and abides in all believers. This makes them alive, and constitutes them ONE with him. “He that is joined to the Lord is one spirit.”—“I will put my spirit within you,” *Ezek.* xxxvi. 37.—“If any

man have not the spirit of Christ, he is none of his," *Rom.* viii. 9.—"Ye are the temple of God, and the spirit of God dwelleth in you," *1 Cor.* iii. 16.—"The spirit of glory and of God resteth upon you," *1 Pet.* iv. 14.—"We live in the spirit," *Gal.* v. 25.—This our precious Jesus himself confirms, in his intercession, *John* xvii. 21. 23. "That they all may be one, as thou Father art in me, and I in thee, that they also may be one in us. **I IN THEM**, and thou in me, that they also may be made perfect in **ONE**." Receiving his spirit, and quickened by his divine influence, they become united to Christ; they receive the gift of faith, *Eph.* ii. 1. 8: they believe and adore, they love and obey. Thus "**CHRIST LIVETH IN THEM**, and the life they live in the flesh, they live by the faith of the Son of God," *Gal.* ii. 20. "Their life is hid with Christ in God," *Colos.* iii. 3.

As the union of the Son of God, the second person in the holy Trinity, to our human nature, "God manifest in the flesh," is pronounced the "great mystery of godliness," *1 Tim.* iii. 15: so his union to his church, by which every living member is made **ONE** with the living head, is another mystery,

and with propriety is also called *great*. This is the mystery which distinguishes the living from the dead ; which draws the line of separation between real and merely nominal christians ; which determines the relation upon which the christian religion is founded, and fixes the essential criterion wherein it differs from the religion of nature.

The example of the apostle, in the passage before us, must suggest an apology for this digression. But what has been mentioned is not wholly foreign to our subject. Let those who are acquainted with the style of scripture, and are capable of estimating the analogy which subsists between a type and its antitype, determine ; whether, admitting that the apostle calls the latter a great mystery, he does not thereby imply that the former, in a certain degree, is mysterious also.\*

\* The learned CUDWORTH wrote an excellent essay upon marriage, as a mysterious type of Christ and his church, agreeably to the doctrine of the apostle, Eph. v. This essay is translated into latin, and enriched with notes by the celebrated MOSHEIM. The reader will find it in the principal work of Mosheim, comprised in two vols. folio. A work highly esteemed in Europe, but of which probably there are few copies with us. For the information of those who wish to possess it, the title is added : R. CUDWORTHII SYSTEMA INTELLECTUALE Latine vertit JOANNES LAUREN: MOSHEMUS.

What then is marriage? It is a divine institution which honours and dignifies, defends and consoles the human family—which raises men above the brutes, and preserves them from pernicious passions—provides for the identity, education and prosperity of every succeeding generation—divides the cares, increases the comforts, and cements society by the most precious and perpetual ties.—And, what distinguishes this institution from all others, is, that it produces an *union*, whereby two persons become ONE—not merely as to legitimate commerce, but one in regard to themselves, and the new relations thereby formed with others. God pronounces them one. Men account them one. They consider themselves to be one. So completely are they one, that the respective relatives and families are constituted equally near of kin to both husband and wife.

Hail wedded love, MYSTERIOUS LAW, true source  
 Of human offspring, sole propriety  
 In Paradise, of all things common else;  
 By thee adult'rous lust was driv'n from men,  
 Among the bestial herds to range; by thee  
 Founded in reason, loyal, just and pure,  
 Relations dear, and all the charities  
 Of father, son, and brother, first were known.  
 Perpetual fountain of domestic sweets,  
 Whose bed is undefil'd and chaste pronounc'd.

“The law of marriage is POSITIVE. No general *principle* can of *itself*, establish with a binding force upon the conscience, the doctrine that the conjugal union is, in all cases, to subsist between one man and one woman only; and, with the exception of conjugal infidelity, is to last during the joint lives of the parties. Nothing but a divine *institution* could subject them to this condition: nothing but a divine *revelation* communicated the knowledge of it.”\* In every question, therefore, which regards the parties who may lawfully marry, no maxims or customs sanctioned among men, nor any dispensations of civil or ecclesiastical governments, can ever be admitted. The divine law has fixed the standard, and must decide the inquiry. God himself is the judge. “To the law and to the testimony” is the only appeal.

An institution so venerable in its origin, so interesting in its consequences and valuable to the human family, has an imperious claim upon the pro-

\* See a *brief inquiry into the lawfulness of marrying a deceased wife's sister*, in the CHRISTIAN'S MAGAZINE, vol. 4 page 80. &c. The author of that inquiry understood the subject; and had the limited pages of a periodical publication permitted him to trace the question to its first principles, he would have superceded the necessity of any farther discussion.

tection of society, and the care of the church. Every good citizen, every sincere christian, and every faithful minister of the gospel, must esteem it his duty, to prevent an ordinance, recommended by such high considerations, from being prostrated and defiled.—To prevent its pollution by prohibited cohabitation, is the object of this dissertation. But, previous to an immediate inquiry upon that subject, it will be expedient to refer to the principles of affinity, and contemplate the evil of incest ; to mark the distinctions of laws, and illustrate the manner in which moral precepts are introduced into the Mosaic code.

## SECTION II.

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### AFFINITY.

A RELATION is the respect or connection which two or more things have to each other. When the term is applied to *kindred*, it denotes the connection which subsists between persons, in consequence of their mutual respect to the same family. A DEGREE in the relation of kinsmen, expresses the interval by which the proximity or remoteness of such a relation is ascertained. The degree is computed agreeably to the respective steps, by which a removal is made from a common ancestor, and is calculated conformably to what is called the *lineal*, or the *collateral* branches. There are two sources of kindred or relation. One is denominated *consanguinity*, the other *affinity*.

CONSANGUINITY refers to a relation in blood, or a relation produced by descent from the same progenitor. The *lineal* descent is that which subsists

between persons descending in a direct line from parents to their children downwards ; or ascending from parents to grand parents upwards, in both directions in infinitum. The *collateral* line differs from the direct, in that the relatives do not descend the one from the other. The primary degrees in these comprise, brothers and sisters, uncles and aunts, nephews and nieces. Collateral kinsmen spring from one common ancestor, who is the *stirps* or *stipes*, the root or stock, from whence those relations have branched ; but they do not immediately depend the one upon the other. The nearness or distance of relation in the collateral line is therefore calculated by the degrees or interval between them and their same progenitor. This forms what is called by civilians the “vinculum personarum ab eodem stipite descendentium.” The scale or steps agreeably to which the degrees of relation are computed, are too well known to need any reference or enumeration.

**AFFINITY** is a relation produced by marriage. It originates in the union which God has established between husband and wife ; and refers primarily to the degree of kindred contracted by the husband to



the relatives of his wife, and by the wife to those of her husband. In this sense it is distinguished from consanguinity or relation by blood. The term *affinity* is derived from the two latin words AD to, and FINIS an end or boundary ; because two families by intermarriage, not only approach to, but come within the boundaries of each other. Agreeably to the maxim in law ; *quod duae cognationes per nuptias copulantur, et altera AD alterius cognationis FINEM accedit.*

The PROPERTIES of affinity are obvious. An attention to them will illustrate the subject.

1. Affinity constitutes a REAL RELATION. It is not merely nominal, or a matter of courtesy, but a relation firm, legal and perfect. It is recognised by God in his law, *as such*, and the nearness of kin, or degree of relation, as it respects the husband and wife, is as sacred in affinity as in consanguinity. If this be not the result of marriage, the union is nothing, it is a word without any meaning. Upon this principle, affinity enters into the list of prohibitions as fully and expressly as consanguinity, and without any line of difference between them.

To this property sufficient attention appears not to have been generally bestowed. The very statement of the question, which has become popular and is always adopted: *whether a man may marry the SISTER OF HIS DECEASED WIFE?* is a proof that the principle of affinity is not well understood, or, at least, not duly appreciated. Whether the question be thus worded with a design to hide the whole truth, or only through inadvertency, it is certainly calculated to mislead the public mind, and insinuate, that the woman in question was near of kin to *the deceased wife*, but that she sustains no relation at all to *the husband*; which is most assuredly false, for she is very near of kin to *him*. It is true she is not related to him in blood, and so the step mother, daughter in law, and uncle's wife are not related in blood, yet they are related in affinity, they are near of kin, they are prohibited relatives.—It is true, she is the sister of the deceased *wife*, but it is also true that she is the sister of the *husband*. As with other relatives, so here, there are sisters by blood, and sisters by affinity; both are **REALLY SISTERS**, and they are both, by the divine law established and declared to be such. The husband is therefore *nearly related* to that woman. She is not

only the sister of the deceased *wife*, but she is also in truth HIS sister. The law of God has constituted her HIS SISTER. The question then ought to be stated; “whether it be lawful for a man to marry HIS SISTER, by whatever principle or bond she may have become his sister?” but such an honest and candid phraseology would anticipate a denial too prompt and speedy to please those who are interested or prejudiced in favour of a contrary decision.

2. Affinity is EXTENSIVE. It creates the same kindred between the husband and all the relations by consanguinity or affinity of his wife, and between the wife and all the relations by consanguinity or affinity of her husband. In consequence of this, the parents of the husband are brought into the relation of parents to the wife, and her parents are so to him. His brothers and sisters are become the brothers and sisters of his wife, and her brothers and sisters are his, and thus all the branches mutually in the direct and collateral line. Hence it is, that all who are prohibited by *consanguinity* in the direct line downwards or upwards, and all in the collateral line, as brothers or sisters, uncles or aunts, nephews or nieces, are equally forbidden in *affinity*, upon both

sides. With none of these may either of the married parties, after the death of the other, cohabit or marry, any more than with the same relatives in blood. The man therefore who marries the sister of his deceased wife is as much guilty of incest, as if he had married his own sister by blood: for the sister of the deceased wife has, by his antecedent marriage, become his *own sister*, and is declared to be such by the law of God.

“The marriage of a wife’s sister is, in the eyes of God, the very same with the marriage of one’s own sister. When a man marries a woman, ‘they are no more twain,’ says God, ‘but one flesh:’ how? not literally: for their *persons* are as distinct as ever. Not with respect to their blood relations: they were that before their marriage. But yet by this marriage, they are made one flesh. The flesh of the husband and wife being thus identified, they stand in the same relation to each other’s sisters and brothers as to their own: i. e. as to the lawfulness of connubial intercourse. So that it is quite as agreeable to the divine law for a man to marry his own sister, as to marry a sister of his wife.”\*

\* Christian’s Magazine, loc. cit.

“By marriage the husband and wife are one person in law. Upon this principle of an union of person in husband and wife, depend almost all the legal rights, duties and disabilities, that either of them acquire by the marriage.—The same degrees by affinity are prohibited. Affinity always arises by the marriage of one of the parties so related. As a husband is related by affinity to all the *consanguinei* of his wife, and, vice versa the wife to all the husband’s *consanguinei*: for the husband and wife being considered one flesh, those who are related to the one by blood, are related to the other by affinity. Therefore a man after his wife’s death cannot marry her sister, aunt, or niece.”\*

Whether the prohibited degrees be computed by the scale of the canon or the civil law, the result is the same. Every man of common understanding will confess, that the sister of a wife is, at least, one degree nearer to the husband, than the aunt, and two degrees nearer than the niece. If God forbids him to marry the aunt or niece, because they are too near of kin, it is beyond all dispute, that he forbids

\* Blackstone’s Com. book 1. chap. 15. and note.

him to marry THE SISTER, who is much nearer of kin than either of the former.

3. The relation produced by marriage is PECULIAR. It affects the husband and wife alone, and does not, as such, create any new relations between their respective relatives; agreeably to the adage, *affinis mei affinis non est affinis meus.*

4. As the relation created by marriage arises from the union established by God himself, and is therefore real and legal, so it is PERMANENT AND INDISSOLUBLE. The nearness of kin which affinity has formed will never cease. The death of either of the parties cannot cancel the kindred, or cause any change in the degree of relation. This duration proceeds from the very principle of affinity, as well as from the express declaration of the divine law, and it is consonant with the universal consent and language of all nations. The step-mother remains a mother, after the death of the father, as much as in his life time; the wife of a son, after his decease, is still a daughter; the sister of a wife, continues to be a sister, after the death of the wife, exactly as she was before; the wife of the uncle, after his

death, is still an aunt, and will be so as long as she lives. All these are sacred and forbidden in marriage. The degrees of kindred are unalterable. They remain in their whole extent, the same they were before. Such persons may never be approached for cohabitation. The maxim admits of no controversy : *any person with whom, at ANY TIME, it would have been incest to cohabit, will FOREVER remain forbidden. No circumstance can obliterate the relation. Every marriage with such is always incest.*

How men of discernment and candour can permit themselves to hesitate in the case of a *sister* by affinity, when they admit the relation and prohibition to extend to others by affinity, is truly astonishing. To assert that the sister may be exempted, when those who are more distant, are acknowledged to be too near of kin, can never be sustained by any rational argument.—It will be seen, when we explain the law of prohibitions, that it avails nothing to search for ambiguity in the letter of the precept ; it is explicit, intelligible and decisive. Had even the divine law been altogether silent upon that particular case, and the sister in law not mentioned at all, it

would still be sufficiently and fully implied. The question is unequivocally determined by the **PRINCIPLE OF AFFINITY.**



## SECTION III.

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### INCEST.

**INCEST** is an unnatural and criminal cohabitation of persons within prohibited degrees of kindred.\*

**God** forbids incest and has mercifully implanted in the human heart an abhorrence of this crime, and thereby banished every sexual propensity toward those who are near of kin. Were it not for this; was that propensity felt or indulged in the familiar intercourse of domestic life, it would prove injurious to virtue, and dangerous to the welfare and happiness of the community.

Incest is condemned by the whole world. The estimate of its criminality appears to be independent

\* The indifference with which the crime of incest appears to be considered, and the low standard of Christian morals, at the present day, render it proper to enlarge upon this subject, beyond what at first view might perhaps be thought necessary. Truths, generally acknowledged and taken for granted, do not always sufficiently impress the public mind.

upon cus'tom, education or profession. The mind revolts at the transaction, as contrary to all order in society ; and pronounces it to be indecent and filthy—infamous and wicked—an offence which cruelly invades the sacred recesses of families and endangers the purity of the most protected members.

It is a *crime* not only punishable in civil society ; but a *sin* which will bring down the judgments of God upon any land, where it is tolerated and practised—that very sin which served to fill the cup of the Amorites, and render them obnoxious to extermination.\*

\* “ Incest is the first class of those sins which make a land mourn, and bring the wrath of God on the children of disobedience.—Whether it be lawful for a man to marry his wife’s sister, is doubtless a question of great magnitude, of high and general concern.—A question in which every *person* is deeply interested, lest by such a marriage he should involve himself in great guilt, live a course of gross wickedness, and bring on himself and others the vengeance of Almighty God. *Families* are no less interested than individuals ; because if the marriage of such a relative be incest, they become, by this means, guilty and exposed to the curse of God. *Ministers* of the gospel are deeply concerned in it, as they are set to keep the doors of God’s house, and to make a difference between the clean and the unclean, the holy and the profane. If the marriage connection with a wife’s sister be incest, they are not only under indispensable obligations to avoid it themselves ; but to bear a united, firm and decided testimony against it.—The *Churches* of Christ are greatly concerned in the question, lest they become contaminated by such incestuous persons, and bring on themselves the divine abhorrence and curse. Pastors and churches are called immediately to act relative to them. It highly concerns them to know and do their duty. As communities are composed of individuals and families, so, as they are corrupted and become exposed to divine judgments, the great body becomes corrupt and exposed to the judg-

Incest is a disgrace to marriage and pollutes the institution. The incestuous parties are forbidden to enter into that holy state. They are not, they cannot be married. The form, with respect to them, is void. It is no marriage. Their cohabitation is a continual fornication, with the aggravated guilt of prohibited commerce. What is wicked in the first instance cannot by repetition become innocent. What is accursed of God in the commencement can never become less criminal or obtain the divine approbation and blessing, by habitual indulgence.

“ In order to preserve chastity in families, and between persons of different sexes brought up and living together in a state of unreserved intimacy, it is necessary by every method possible, to inculcate an abhorrence of incestuous conjunctions; which abhorrence can only be upheld by the absolute rep-

ments of God.—How highly interesting then, how practical, and of what general concern is this question? How seriously ought it to be discussed, and with what impartiality ought all to attend to the subject? Fully persuaded as I am of the unlawfulness of conjugal connections with a wife's sister, I am bound in duty, in love to God, to individuals, to the churches of Christ, and to the community in general, fully and fairly to discuss the subject, and to make my appeal to every candid reader, and to the public, with respect to the conclusiveness of the argument.”—See an excellent Essay entitled, “*an appeal to the public relative to the unlawfulness of marrying a wife's sister,*” by the Rev. Dr. B. Trumbull, page 3, 4.

robation of *all* commerce of the sexes between near relations. Upon this principle the *marriage*, as well as other cohabitation of brothers and sisters of lineal kindred, and of all, who usually live in the same family, may be said to be forbidden by the law of nature. Restrictions which extend to remoter degrees of kindred than what this reason makes it necessary to prohibit from intermarriage, are founded in the authority of the positive law which ordains them.—The Levitical law, from which the rule of the Roman law differs very little, prohibits marriage between relations within three degrees of kindred; computing the generations not from, but through the common ancestor, and accounting affinity the same as consanguinity.”\*

If incest be a transgression, there must be a *principle* to which it refers; there must be a *law* which fixes the standard and designates the crime; for where there is no law, there is no transgression. The principle to which it refers is the NEARNESS OF KINDRED subsisting between the incestuous persons. The law which establishes the prohibi-

\* *Paley's Mor. Phil.* vol. 1. p. 316.

tion, and ascertains the degree of kindred, agreeably to which the crime is to be estimated, is the **LAW OF GOD**. The universal acknowledgment of this principle and law, will be sufficiently ascertained, by observing how incest has always been viewed by the Heathen, by Christians, and by Civil Governments.

“Many monuments of the declarations and conduct of the ancient **HEATHEN**, testify their attention to the law which provides for the preservation of chastity and the integrity of marriage; especially what related to those forbidden lusts within which marriage is prohibited. This law was known and held sacred by all the nations of the world.—There were indeed a few exceptions, but whatever they were, they produced no argument against the decision of reason; nor ought any prejudice against the rights of human nature to arise from such depravity. The **JULIAN LAW**, which our civilians celebrate, affords a sure testimony, that the ancient Romans recognised the law of nature, and that by them, what respected marriage was held most sacred.”\*

\* *Systema Theologiae Gentilis purioris*. F. Phännerii. cap. xi. 24.

There were indeed ancient barbarians chargeable with incest, and perhaps some such are still to be found. Strabo, Lucian, Curtius, Plutarch, and Justin mention savages who were infamous for this crime. Yet among more polished nations, it was always abhorred; and as the Apostle asserts, *1 Cor. v. 1.* there were species of that vice, *not so much as named among the Gentiles.* Euripides and others have recorded, as an exception against the universal detestation of incest among civilized people, that the ancient kings of Persia and Egypt were guilty of it; but these authors expressly add, that “those kings indulged in it from a principle of pride, as they considered it beneath their dignity to marry a vassal or a stranger, and therefore connected themselves with their own royal families.” Their subjects however, did not follow the base example of the monarchs.

Suetonius and Tacitus mention a few other instances of the same kind at Rome, and stigmatize them with reproach and infamy. *In Calig.* Suet. 4. 24.—*in Nerone.* Suet. 6. 5.—*in Claudio.* Suet. 5. 26. 43.—*in Aggripina.* Tacitus Annal. 14.—But these cases are so far from being an evidence of the

prevailing sense of the world in their favor, that they prove directly the contrary ; since they are enumerated as insolated and singular prodigies of immorality. As well might it be said, that murder and the cruelties of tyrants were a proof that mankind did not esteem benevolence and mercy ; or that instances of theft, robberies and deceit were an indication that honesty, truth and candour were not respected among men.

The MAHOMEDANS who indulge in polygamy, and are promised by their false Prophet a future state consisting chiefly in sensual enjoyments, are still shocked at the abominable crime of incest. Mahomet expressly forbids it. In the Alcoran, chapter iv. are these words: “Ye are forbidden to marry your mothers, and your daughters, and your sisters, and your aunts, both on the father’s and on the mother’s side ; and your brother’s daughters, and your sister’s daughters, and your foster sisters, and your wives’ mothers, and your daughters in law who are under tuition, and the wives of your sons ; and ye are also forbidden to take to wife two sisters.”—It is added by Al-Sharest, “*turpissimum eorum qui faciebant Arabes, in tempore ignorantiae*

erat hoc, quod vir duos sorores duceret. *The vilest deeds which the old Arabs did, in the time of their ignorance, was this, that a man married two sisters.*"

The CHURCH of Christ has always viewed incest as an heinous and detestable crime. Under the dispensation of the Old Testament, the enormity of this sin was deeply impressed upon the public mind, and always punished by cutting off, or excommunicating the offenders, and, in some instances, by death. The law was plain and absolute. No excuse or palliation would be admitted.—When John reproved Herod for taking the wife of his brother Philip, he expressed the prevailing sentiment of the Jews, as well as the direct language of the law of God. If Philip were then alive, which is not certain, (for Herod had two sons named Philip; one was called *Philip Herod*, the other *Philip Antipater*\*) it would have been adultery. But he was guilty of a more

\* Verissimum est inter Herodis magni filios, qui novem fuere, duos appellatos fuisse *Philippos*: ead horum alterum, qui natus erat ex Simoni Pontificis filia, dictum fuisse *Philippum Herodem*; quomodo et iste de quo haec narratur historia *Antipater* aut *Antipes Herodes* dicebatur; atque isto addimento *Philippum* hunc minorem distinctum ab altero majore, qui Trachonitides fuit Tetrarcha.



heinous sin than adultery, and the intrepid Baptist arraigns him, not for adultery, but for incest. “*It is not lawful for thee to have THY BROTHER’S WIFE;*” she is thy sister in law, she is too near of kin, it is incest. *Mark vi. 18.*

A case of incest occurred early under the Christian dispensation, and was immediately noticed and punished. The incestuous person, by the command of the Apostle, and in the adorable name and authority of the Lord Jesus Christ was, without delay or remonstrance, instantly cast out and excommunicated from all the privileges of the Church. *1 Cor. v. 3. 5.*

The PRIMITIVE CHRISTIANS were distinguished for their ardent piety and exemplary morals. So rigid were they and unconforming to the wicked maxims and licentious customs of the world, that they excited the astonishment and enmity of the Heathen among whom they lived. In nothing were they more remarkable than in their continence and chastity. If any of their communion were chargeable with the appearance of immodest behaviour or uncleanness, it was noticed with horror and

bewailed as a dishonour to the Christian name. Among all the sins most pointedly reprobated, *adultery* and *incest* were the chief. Of the *former* some instances occurred, and the guilty persons were immediately cast out and disowned as infamous members. The *latter* crime was greatly abhorred, and the Church was always prepared, in the name of the Lord Jesus Christ, to excommunicate any person, whatever might be his previous reputation or standing in the Church, who should be guilty of incest. But such was the universal detestation in which that crime was held, even among the Heathen as well as among Christians, that not a single instance of incest is recollected to be found, in the writings of the fathers, or the histories of the primitive centuries; at least not among those who were considered orthodox in their doctrines.

MIN. FÆLIX published a charge, which was made by the Heathen against the Christians, in which, they accused them of promiscuous and incestuous lusts. But the charge was as malicious as it was false. It was boldly and ably refuted by Tertulian, Clemens Alexandrinus, Firmilianus, Athanasius, Lactantius, and Justin Martyr; and the

Christians were vindicated and proved to be innocent and clear of that wicked imputation. Origen cast the blame of this scandalous charge upon the Jews, who, he said, had wilfully and spitefully invented it, to disgrace and prejudice Christianity. But Epiphanius has mentioned a fact which most probably first suggested the accusation, although it did not justify the Heathen in falsely, and contrary to their own knowledge, applying the crime to real Christians. There were, he says, "unprincipled men who had made a profession of Christianity ; but not relishing the doctrines and especially the morals and conversation of believers, which were too strict and holy for them ; they soon withdrew, while they still retained the Christian name." These, Epiphanius enumerates as the followers of Simon Magus, Menander, Marcion, Basilides, &c. who were known by the general appellation of Gnostics. It was true, he says, "that these under the cover of a religious profession, were guilty of the enormous crime of incestuous cohabitation ; and that they even reproached and ridiculed the pious and orthodox, whom the fear and love of God restrained from such sins." Justin Martyr also declares, that this was the real and only rise and foundation of the perni-

cious accusation ; and Eusebius expressly asserts, that from this circumstance alone, the foolish and wicked calumny originated, which the Heathen adversaries greedily seized upon and fiercely propagated, to bring infamy and reproach upon the Christian name.\*

DURING a long and gloomy period, the genuine religion of Jesus was prostrated, his faithful followers persecuted, and a large portion of the Church, over which the antichristian Bishops of Rome exerted their usurped authority, was deformed and ruined. The kingdom of the divine Redeemer, which is not of this world, was debased and blended with the civil government ; the doctrines of the gospel were corrupted ; and the spiritual worship of the sanctuary disgraced by unmeaning ceremonies and ostentatious pageantry. Yet amidst this wreck of truth and its inevitable consequence, the prostration of pure morals, there were some primary principles which it was impossible to destroy. Among these

\* A very interesting account of the holy walk and strict morality of the primitive Christians may be found in CAVE'S PRIMITIVE CHRISTIANITY. Of their *continence* in particular, the reader will meet with many affecting anecdotes in chap. V. of that book.

was the sentiment respecting incest. This sin was always condemned and execrated in the Church of Rome. The Popes indeed, with their blasphemous pretensions to authority and infallibility, and to meet the wishes of wicked princes, of whom they were afraid, pretended frequently to dispense with the law of God, in this article. But the public mind forever cherished an abhorrence against it; and some men in the communion of that Church had the courage to denounce the crime, and deny the power of the Pope to grant a dispensation.

At the dawning of the reformation, when learning and religion began to revive; in the close of the fifteenth and beginning of the sixteenth century, there were many pointed testimonies among the Catholics upon the subject of incest. When the question respecting the divorce of Henry VIII. from his sister in law queen Catherine, agitated Europe; the learned faculties of many universities, particularly in France, gave their solemn opinion in clear and decided terms.\*

\* The sentiments of the Protestant Churches respecting the question before us, will be introduced in another section.

The faculty of the university of Paris declared :  
“that, after frequent meetings in the Church of St. Mathurin, and at the College of Sarbon, having most diligently and conscientiously examined the sacred scriptures, with the most approved expositors, together with the general and synodical decrees of the councils of the Church, established, received, and approved by long usage ; they do unanimously answer, assert, and determine, that a marriage with a sister in law, is equally prohibited by the law of nature and of God ; and that the Pope cannot grant a dispensation for such marriage.”

The faculty of the university of Bononia say :  
“ we judge, declare and testify, and we affirm without any hesitation, that such a marriage, such nuptials, and such connections are horrible, execrable, detestable, and to a christian, and even to every heathen, wholly abominable. It is prohibited by the law of nature, and sanctioned by the severest penalties, both divine and human ; nor can the Pope, upon any consideration dispense with the contraction of such marriage,” see *Burnet's history of the reformation of the Church of England ; collection of records and original papers, in folio*, vol. 1. page 89.

&c. where these, and many other documents of the same import, are inserted, in their original language, at large.

These men were decided and unanimous in condemning the abominable crime of incest, and particularly in reprobating that species of it, which is committed in marrying a sister in law. They denied the authority of the Pope to dispense with the law of God, and considered it altogether out of the power of the Church to put a different construction upon the divine precept. Their intrepidity and honesty no doubt excited the indignation of their Pontiff; but they expressed the sentiments which prevailed among the best informed in the Church of Rome.

The light in which CIVIL GOVERNMENTS have viewed incest appears from the laws enacted by them against it. From the Institutes of Justinian, commonly called the Pandecta or jus civile, it is certain; that incest in the Roman Empire was considered a civil crime and severely punished.—Among modern nations it will suffice to mention: that by an ordinance of HOLLAND, 1580, it was enacted “that

no persons related in blood, or by affinity, within the forbidden degrees, shall be permitted to cohabit or be married, under the penalty of being declared infamous, and subjected to corporal punishment and heavy fines, and, if they persevered in their crime, to banishment.” In another ordinance, the forbidden degrees are enumerated, and it is declared “that no man may marry the widow of his deceased brother, **NOT MAY ANY WOMAN MARRY THE HUSBAND OF HER DECEASED SISTER.**”<sup>1</sup>

Incest and adultery were in ENGLAND made capital crimes, in the year 1650. But at the restoration, those offences were left to the coercion of the spiritual court, according to the rules of the canon law: yet the court of king’s bench is still the *custos morum* of the people, and has the superintendency of offences *contra bonos mores*.\*—“Our Law considers marriage in no other light than as a civil contract. The *holiness* of the matrimonial state is left intirely to the ecclesiastical law; the temporal courts not having jurisdiction to consider unlawful marriage as a sin, but merely as a civil inconvenience. The

\* Blackstone’s Com. book 6. chap. 4. Of offences against God and religion.



punishment therefore, or annulling of incestuous or other unscriptural marriages, is the province of the spiritual courts, which act, *pro salute animae*.— Among the disabilities which prevent persons from contracting marriage, are consanguinity, or relation by blood; and affinity, or relation by marriage. And those disabilities are all grounded upon the express words of the divine law, or are consequences plainly deducible from thence: it therefore being sinful in the persons who labor under them, to attempt to contract matrimony together, they are properly the object of the ecclesiastical magistrate's coercion."\*

In the UNITED STATES, the general Government has not passed any laws upon the subject. It belongs to the respective States individually to protect the morals of their people; and in all these, incest is, by common law, an offence contra bonos mores, and in some of them, it is punishable by statute. But the principal dependence is placed in the Churches of every denomination, throughout the union. Government is assured that they will instruct and

\* Blackstone's Com. book 1. chap. 15.

watch over the public mind ; and unitedly, guard against the first approach of principles and conduct, which would contaminate the manners or prove a reproach to the community. Should the Churches become negligent and unfaithful, it will soon be found necessary, for the civil power more pointedly to interfere.

The precious liberty, both religious and civil, with which it has pleased God to bless and distinguish the happy citizens of the United States, is understood and appreciated by those who can duly estimate its value ; and we trust, it will be faithfully preserved, by the virtuous portion of the community, and transmitted inviolate to the latest posterity. But liberty may be easily abused, and is often made *an occasion to the flesh*. When the restraint of human laws is relaxed or removed, the influence of the divine law is frequently found, with the unprincipled, to be feeble and insufficient. To no other source can be ascribed the scandalous marriage with a sister in law, which is shocking to every nation in Europe, but has with us been shamefully introduced, and begins to assume the attitude of defiance.

“Righteousness exalteth a nation ; but sin is a reproach to any people.” Religion and morals are inseparable ; they stand or fall together ; and when both are prostrate, civil liberty will inevitably depart.—But the impending evil of incestuous marriages may yet be suppressed. The defection is in its incipient state. There are still many remaining who fear God and tremble at his word. Resistance, prompt and unequivocal, is practicable, and will assuredly prove successful.

*Principiis obsta, sero medicina paratur,  
Cum mala per longas invaluere moras.*

Is incest forbidden by God ? Do the Heathen and Mahometans abhor it ? Has the Church, under both dispensations, always excommunicated incestuous persons ? Do the Papists execrate it ? And is it by the Civil Governments of all nations punished as an offence against society ? And shall a sin so much detested and universally condemned, be lightly esteemed by us ? shall we consider it a small offence, a mere venial transgression ? Do any members of the Church, at this day, and especially any ministers of the Gospel, presume to patronise a marriage, which they themselves acknowledge approximates as near

to incest, as it is possible to approach; and which, whether they acknowledge it or not, has already, from the principles of affinity, been proved to be that very crime? God forbid!

This is not a question of mere speculation and amusement, or of small and inconsiderable moment. It respects the authority of the divine law and involves the most serious consequences. "Your glorying is not good;" these are the words of the Apostle, in reference to this very sin, "your glorying is not good; know ye not that a little leaven leaveneth the whole lump?"\* Let incest, in any of its branches, or under any form and patronage, be once tolerated; let the abhorrence of that sin become derided, and consequently weakened and obliterated, which it most assuredly will, by such toleration; and a door will be opened to vices of every name and every grade. Adultery, the other mortal enemy to marriage and virtue, will soon find its public advocates, and the manners of our country be degraded to the scandalous level of the most debauch-

\* 1 Cor. v. 2. 6. "And ye are puffed up, and have not rather mourned, that he that hath done this deed might be taken away from among you. Your glorying is not good," &c.

ed and abandoned people.—The watchmen who stand upon the walls and cannot discover the adversary, or who are afraid and refuse to sound an alarm, will become accessory to the ruin ; but fearful will be the responsibility of faithless and slumbering centinels.



## SECTION IV.

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### LAW.

**LAW** is a rule of action. The term is applied generally to all kinds of action, whether animate or inanimate, rational or irrational. Thus it is said, there are laws of motion, of gravitation, of attraction, of electricity, of mechanics, of optics. But when the word is used in relation to moral subjects and referred to the intellectual system, it denotes *a standard of human actions*, and comprises the precepts by which men are obligated to regulate their behaviour. In this sense, Law is “a rule of action, prescribed by a superior, invested with just authority, to determine the conduct of moral agents.”\*

\* Derivans nomen hoc *Lex*, multi a *ligando*, quia *Lex* homines obligat; alii a *legendo*, tum quod scripta *lex* promiscue legi potuerit, tum maxime quod lata *praelegeretur* palam. Hebraeis dicitur *TORAH*, quod a *Iarah* derivatum, *doctrinam*, vel viae monstrationem notat. Graecis *NOMOS* *apo tou nemin* quod *regat ipse*, regiminis sit norma, atque distribuat unicuique suum. *Prof. Martius.*

\*\* The Printers have no Hebrew nor Greek types.

Law is correctly called a *rule*, to distinguish it from *advice* or counsel. The latter we are at liberty to follow or not, as *we* may judge proper. But the former depends not upon *our* consent or approbation; but upon the will of the law-giver. Counsel is simply a matter of persuasion, law is decidedly a matter of injunction. Counsel acts upon the willing, law upon the unwilling as well as the willing.

As a rule, law is also distinguished from a compact or agreement. A compact is a promise proceeding *from* us. Law is a command directed *to* us. The language of a compact is, "I will, or I will not do this." The language of a law is, "thou shalt, or thou shalt not do it." In compacts we ourselves determine and promise what shall be done, before we are obliged to do it. In laws we are obliged to act, whether we determine and promise or not.\*—*Consilium dare* dicitur, qui significat, quid sibi videatur, ut fiat. *Suadere* dicitur, qui significat,

\* See Blackstone's Com. Introd. 2.



quid fieri velit in alterius tamen arbitrio relinquens, quid facere velit. *Jubere* dicitur, qui significat, quid fieri velit, in alterius arbitrio non relinquens, quid facere velit.\*

Laws are of different kinds. The highest and most authoritative is the LAW OF GOD. Possessed of infinite wisdom, goodness and power, he can enact and enforce the best laws; and as he is the great source of all existences, and all things depend upon him for their being and support, he has a right to fix the standard of conduct for intelligent creatures, and to command what they shall and what they shall not do. This he has done; and all his laws are holy, just and good; all are sanctioned with the highest possible authority; and none may be controverted or disobeyed with impunity.

The Law of God is an authoritative rule of conduct and regulates the *manners* of men. Every divine precept may therefore be said to be a *moral* law, agreeably to the etymology of the term, which is derived from *mores* or *moralis*.—But a distinction

\* Philosophiæ WOLFIANÆ Theol. naturalis pars 1. cap. 6. 982.

is adopted, which distributes the laws of God into two classes. One comprises what is denominated MORAL, the other PECULIAR.—The MORAL LAWS are those which proceed essentially from the perfections of God, and which are universally binding. The PECULIAR laws are such as arise from peculiar circumstances, which bind a particular people only, and are limited in their duration—of the *moral laws* there are two arrangements.—*Some moral laws* are so evidently founded in the nature of man, so easily investigated, so firm in their binding power upon every conscience, that they have, in the aggregate, obtained the name of the LAW OF NATURE. Justinian defines it, “Jus naturale est quod omnia animalia docuit,” *Inst. Lib. 1. Tit. 2.* *The law of nature is that which teaches all animals*, a definition exhibiting the law of nature in the most extensive sense of the term. But the law of nature which belongs to man, must be restricted to the obligations, which are exclusively founded upon *his* rational as well as his animal nature. The law of nature is the law of God, and eminently belongs to the moral class.\*—*Other moral laws*, which are distinct from

\* See Vattel. Law of nations—preface.

the law of nature, are comprehended in what are called POSITIVE LAWS.—Positive laws are those which are ascribed to the sovereignty of God: because, however essential they may be to his perfections, or accommodated to the nature and situation of man, they cannot be investigated by the light of reason; nor can they have any binding power, except by the express revelation of God. *Positive laws* are also of two kinds, they are either *positive moral laws*, or *positive peculiar laws*—the *former* are those which are universally promulgated and universally binding—the *latter* such as are restricted in their objects and period.—But this analysis of the divine laws requires explanation. The distinctions must be more minutely defined and illustrated.

As every thing actually existing and all that can possibly exist, with all their relations and properties, depend upon God; so all the consequences and duties arising from such possible or actual existences must also be dependent upon him. There is a *fitness* or propriety of obligations, resulting from relations, which, considered as existing in the nature of things, antecedent to any positive precept, may be said to constitute the eternal and immutable basis of

good and evil. Upon this subject, much may be suggested and much has, without suitable caution, been written. But care should be taken not to magnify this *fitness*, like the fate of the stoics, and make it independent of God; nor to exalt an abstract idea above the Supreme, and render it anterior or superior to him. The fitness of things, and the accommodation of all respective relations, with the corresponding duties, to that fitness, are acknowledged to be true; but this very fitness, like every thing else, when traced to its origin, is derived from God. He renders the relations possible or actual, and he is the sole author of all that is right. All possible things have their foundation in the infinite understanding of God, as upon his omnipotent will, all things, actually existent, depend. The sovereign will of an infinitely perfect being must be always right and fit; "as for God his way is perfect," his law is the only sure and incontestable rule of action, to which every being, capable of moral agency, must be referred.\*

\* "Probably those who have asserted this did not mean any more than that the divine will is so perfect and excellent that all virtue is reduced to a conformity to it—and that we ought not to judge of good and evil by any other rule. This is as true as that the divine conduct is the standard of wisdom.—The nature and will of God is so perfect as to be the true standard of all excellence, natural and mor"

So much of the Law of God as may be known and is, in part, recognised by all men; so much as suffices for the preservation of individuals, for constituting society, and establishing the first principles of morality; whatever may be the obscurity of the knowledge respecting it, is denominated the LAW OF NATURE, because it is not only discovered by the light of nature, but arises from our natural constitution and being. But the *clearer discoveries* of duties, toward God as Creator, and especially toward him as Redeemer, as well as what men owe to each other, is called, in distinction from the former, the REVEALED LAW, and is found only in the sacred scriptures. This revealed law, in its intrinsic obligation, is of equal force and perpetuity with the law of nature, and is of higher authority than any explanation which human reason can give to a system of morals, because it is expressly defined.—The will of God in his revelation is unequivocally declared.

and if we are sure of what he is, or commands, it would be presumption and folly to reason against it, or put our views of fitness in the room of his pleasure: but to say that God, by his will, might have made the same temper and conduct virtuous and excellent, which we now call vicious, seems to unhinge all our notions of the supreme excellence even of God himself."—Dr. Witherspoon's Works, vol. iii. page 288.

HUMAN LAWS are variously distinguished, conformably to their peculiar principles and different ends. As soon as men enter into a social compact, the equality, essential to a state of nature, ceases. As they increase in numbers and spread over the earth, new societies arise, new nations are formed; which render some common principles necessary for their individual safety, and oblige them to adopt some general laws for their mutual intercourse. What they adopt for this purpose is called the LAW OF NATIONS; which is a law "that regulates the intercourse and determines the rights of peace and war between separate states and kingdoms." Quod naturalis ratio inter omnes homines constituit, vocatur JUS GENTIUM.

The safety, propriety and government of each individual nation require laws suited to their respective choice and circumstances. These are comprised under the denomination of the CIVIL LAW. "Quod quisque populus ipse sibi jus constituit, id ipsius proprium civitatis est, vocaturque JUS CIVILE, quasi jus proprium ipsius civitatis." *Justinian.*

The civil Law is divided into two branches. *That* which relates to the governors, and those who are governed, is distinguished by the title of POLITICAL LAW, or the constitution of the state.\* *That* which respects the mutual rights and duties of citizens is called the MUNICIPAL LAW, not as restricted to a particular municipality, but in a more extensive sense, as the rule by which members of the same community or nation are bound to regulate their conduct towards each other.

Each of these great classes comprehends many subdivisions, agreeably to the different objects to which they relate, or the immediate power by which they are enforced ; which give a name or title to distinct kinds of laws, whether they belong to the *civil laws* of the state, or the *canon laws* of the Church.—But the law of God is superior in authority to all these. No human laws, of whatever name or description, are of any validity, if they be contrary to the divine law; and such of them as are valid, derive all their force, either mediately or immediately from this original.

\* Montesquieu. Spirit of Laws, book I. chap. 2

The principal and most accurate distinction admitted in the law of God, as noticed in the preceding analysis, is that of *moral* and *peculiar*. The result will be the same, if it be distinguished into *moral* and *positive*; and what is *peculiar* be introduced as a distinct branch of positive laws. This last arrangement is adopted by some celebrated writers upon this subject.

THE MORAL LAW is the eternal, unchangeable and authoritative rule which directs and binds all men in their whole duty towards God, their neighbours, and themselves. It is the infallible standard of what is right and wrong, in regard to their thoughts, affections, words, and actions. It is founded upon the infinite perfections of God, and his relation to his creatures as their maker and sovereign Lord. It is perfectly consistent with their essential nature and being; and forever binding upon all men in every situation, age or condition.

This law was manifest to Adam before his apostacy, when he was dignified with the image of his God, "when reason was clear and perfect, unruffled by passions, unclouded by prejudice, unimpaired by



disease or intemperance ;” and this law is still written, to a certain degree, upon the hearts of all his degenerate posterity. “For when the Gentiles which have not the (*revealed*) law, do by nature the things contained in the law, these, having not the law, are a law unto themselves; which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or excusing one another,” *Rom. ii. 14, 15.*

Those, who affect a distinction between moral laws, and what they call the LAWS OF NATURE, assert, that while moral laws comprise all the duties of a moral agent towards his God, society and himself; the laws of nature are restricted solely to what appertains to the individual, and find all their motives exclusively in the nature of man. But there is no necessity of drawing this line of distinction. The Law of nature as far as it extends, is the moral law. To give it another title is to destroy its very essence, or at best to suggest a consideration of the subject in a very restricted view.

POSITIVE LAWS are those which depend upon a revelation of the will of the Lawgiver, without which, they cannot be known or produce an obligation. They are revealed precepts, which become binding, in consequence of their promulgation.— All laws enacted in civil society are positive. Before the passing and publication of such laws, there can be no transgression, either in respect to the duties enjoined or conduct prohibited. The POSITIVE LAWS OF GOD are, some of them, *moral* in their nature and universally binding, but which could not be investigated without an express revelation; others are *peculiar* in their object and scope, intended to serve some temporary purpose in the dispensation of the Church, and as such, are binding upon a particular people alone and for a limited time.

It has been considered a subject worthy of discussion, whether any positive law, derived from the immediate revelation of God, can ever become *universally* binding upon all men? Those, who wish minutely to examine this question, will be gratified by consulting what Puffendorf, Barbeyrac, Grotius, Wolfius, Cudworth and Mosheim, have written upon this subject. All agree, that, as the authority

is the same, so, if the *promulgation* be universal, the positive law will also become universal, and must of course be as binding, as any that are most strictly denominated moral or natural.

Without specifying other laws of this description ; let it suffice to observe, it is unanimously admitted, that the **LAW OF MARRIAGE** is a positive moral law, and one that has actually become *universal*. It was the first positive law imposed upon Adam, whilst in a state of rectitude, and in Paradise. It was communicated by him to his children, and well known during the antediluvian period. By Noah and his sons it was afterwards handed down to their posterity ; and through all the ramifications of the human family, has been always recognised, and is at this day received and acknowledged by every nation in the world.

The general propensities of nature would prompt to a sexual intercourse, but interesting and serious questions arise, which could never be decided by the light of nature. A positive law of God was necessary to determine, whatever relates to the institution of marriage, whatever respects those who

may lawfully enter into that holy state, as well as what concerns the honourable protection of the ordinance, after its consummation. This Law has been given. It is moral in its principle and its restrictions, universal in its promulgation, and binding upon all the human family.

The positive laws of God which are PECULIAR, that is, which are binding upon a *particular people* alone, and in force for a limited period only, are those which were given to Israel, and were adapted to the dispensation of the Church under the Old Testament.

To separate the posterity of Jacob from all other nations, to preserve the knowledge of the promises and the truths of religion inviolate, and to keep pure and distinct, a people from whom the Messiah was to spring, it pleased God to erect a THEOCRACY. In accomplishing this adorable and astonishing establishment, Jehovah, the Redeemer himself, who always was, and forever will be, the divine Head of his Church, condescended to become also, the civil ruler or King of Israel. In consequence of this, the visible Church and the civil state of that people, be-

came united; and the laws which respected the Church were blended with those which were civil.\* The moral Law especially, which is the basis of all the ordinances, statutes and precepts, together with the promises established by the covenant of grace is necessarily interwoven with all these, and thus one perfect code is formed, comprehending whatever respected the Israelites as men, as professing believers, and as citizens of the Theocracy.

Agreeably to the particular relations in Israel to which the respective *peculiar* and *positive* laws refer, a distinction is made. One portion of them is called the *Ceremonial*, the other the *Civil* law.†

\* The nature of the Theocracy, which necessarily involved the immediate interposition of God, and could be supported only by miraculous providences, fully refutes the argument of Bishop Warburton, in his essay to prove, and illustrate *the union of the Church and state*. It is impossible for men, without the immediate authority of God, to form such an union. Under the New-Testament dispensation there is no Theocracy, an union of Church and state is therefore now, impracticable.

† The term *law* is variously used in the sacred scriptures. Sometimes it denotes, in a general sense, any binding power, as in *Rom. vii. 21. 23. &c.* but when employed to express a rule of conduct, it often comprises the whole of *divine revelation*, comprehending all the doctrines, promises, and precepts: so *Ps. i. Ps. xix. Ps. cxix.*—It frequently designates more particularly the *moral law*, in which sense it chiefly occurs in the Epistles to the Romans and the Galatians.—In other passages, it refers generally to the *Mosaic system*, in which the moral law is included with those precepts, which are denominated ceremonial and civil.—The term is usually thus introduced by the Prophets, and by the Apostle in his Epistle to the Hebrews.

The CEREMONIAL LAW, or as it might more properly be denominated, the ECCLESIASTICAL, comprised all the statutes, which regulated the rites of religion and mode of worship in the Church, until the close of the dispensation of the Old Testament. Rites and modes peculiarly appropriated to the period of promise, and designed as so many instructive types and affecting figures, to exhibit the blessed Messiah, and pourtray what he was to perform and suffer to save his people from their sins. This was their primary and highest object, but to preserve the Jews from idolatry and keep the chosen tribes completely separate from every other nation, many particular and minute observances were enacted, which to us, who are ignorant of the customs of the ancient nations surrounding Israel, appear to be of minor importance. These may justly be called *ceremonial*, while the principal and typical parts were far from being mere ceremonies.—Whatever appertained strictly and exclusively to the ecclesiastical or ceremonial law in the books of Moses, must necessarily be limited to the Old Testament. It was peculiar to Israel. It could apply to no other people or period: and since grace and truth are come by Jesus Christ, who is the end of the law

for righteousness, the shadows have vanished, the ritual worship is abrogated, and nothing typical is any longer of force.

What is denominated the CIVIL LAW of the Pentateuch, was adapted to Israel, as a state or nation, in their *civil capacity*, and as placed under the honourable government of a Theocracy. It fixed their constitution, and directed in what way their government was to be administered. It prescribed the duties of magistrates and private citizens, and determined whatever related to their common intercourse. As such, it appertained solely to that people. It was the great partition wall, which, together with their ecclesiastical statutes, separated them from the neighbouring states, and distinguished them from every other nation in the world.

It is evident that nothing in their system of laws, which was exclusively ecclesiastical or civil, can bind any other people. Yet the principles of equity, which are the basis of all well organised governments, and which pervade the civil system of the Jews, are equally obligatory upon the whole world; and especially the moral precepts, which we shall di-

rectly see, are blended throughout the whole mass of the Israelitish law, must be binding upon all men in every age.

By one man sin entered into the world, and death, by sin.—The death of the body, and the death of the soul, as far as the soul can die, are the wages of sin. The wretched children of apostate Adam have lost the image of their God, and are dead in trespasses and sins. *They are darkened in their understandings and their wills and affections are depraved.* Sinners are at enmity against a holy God; and so far are they from possessing a desire or a power to obey the divine law, they have actually lost, to a great degree, the knowledge of the law itself, and are ignorant of the true standard of their conduct. It became therefore necessary, in the introduction of a revealed religion, and the public establishment of a church in the world, to promulgate again, by an immediate revelation, the *moral law*.

The revelation of the moral law is summarily comprised in the Decalogue or the ten commandments, which were audibly pronounced from Mount Sinai, and afterwards written by God himself upon



two tables of stone. But these precepts are expressed in few words. They comprehend indeed the principles of the respective duties to which they refer, and are spiritual and extensive. Yet it was expedient to have them illustrated and confirmed, by subsequent explanatory precepts, that the letter and spirit of the moral law, contained in that summary, might be fully understood. To answer this interesting purpose, it pleased God to repeat, explain, and apply the precepts of the Decalogue, throughout the whole Bible, and especially in the Mosaic code; not in a separate or systematic order, but mixed with laws of different descriptions; not in detached and solitary passages, but mingled and interspersed with those which were peculiar to the Theocracy. Wherefore in the same paragraph the moral are often found with those which were ecclesiastical and civil laws.

Many instances in which moral precepts are thus introduced and interspersed might be given. Let a few suffice.—“Thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might.—Thou shalt fear the Lord thy God; him shalt thou serve, and to him shalt thou cleave,

and swear by his name.—Ye shall be holy, for I the Lord thy God am holy.—Thou shalt do that which is right and good in the sight of the Lord.—Thou shalt worship no other God.—Ye shall make ye no idols.—Ye shall not swear by my name falsely, neither shalt thou profane the name of the Lord.—Ye shall keep my sabbath and reverence my sanctuary.—Thou shalt not hate thy brother in thy heart.—Thou shalt love thy neighbour as thyself.—Honour thy father and thy mother, as the Lord thy God hath commanded thee.—He that killeth any man shall surely be put to death.—Ye shall not afflict any widow or fatherless child.—Do not prostitute thy daughter, to cause her to be a whore.—There shall be no whore.—Thou shalt not lie carnally with thy neighbour's wife.—Ye shall not steal; neither deal falsely; neither lie one to another.—Thou shalt not arrest judgment, thou shalt not respect persons, neither take a gift.—That which is altogether just shalt thou follow.—Thou shalt have a perfect and just weight, a perfect and just measure shalt thou have.—Thou shalt not pervert the judgment of the stranger nor the fatherless.—Thou shalt rejoice in every good thing, which the Lord thy God hath given unto thee.—Thou shalt keep the commandments of

the Lord thy God, to walk in his ways and to fear him.”—Sec *Deut.* v. vi. x. xvi. *Exodus* xxii. xxxiv. *Levit.* xviii. xix. xxiv.

Here, and in numerous similar texts, which might be adduced, it is evident, that moral laws are mixed and interspersed with those which are of another description. Every precept of the Decalogue is illustrated and enforced. Supreme love to God, a spiritual worship, the reverence of his name, and the sanctification of a day of rest, love to our neighbour, filial duties, preservation of life, chastity, honesty, truth and grateful contentment—these, all these are specifically explained and repeatedly enjoined.

Can any man, not warped by prejudice or deficient in information, read these precepts, and pronounce concerning them, that they are all ceremonial laws, and were binding upon the Jews only? or that the Decalogue is the only moral law to be found in the books of Moses? What! were the Jews alone obliged to love God, to be holy and obedient, to love their neighbours, to be honest and chaste? Are not these moral precepts? Must

they not be acknowledged as such, wherever they are found, and in whatever connection they are introduced? Are not many of them expressly cited in the New-Testament, and applied to Christians? And will any dare to say, that they do not bind all men as much as they did the Jews?

The books of the Old Testament are received as inspired volumes, and venerated as the standard of faith and conduct by Christians as much as they were by the Israelites. There is but one Church, as there is but one Saviour. Under both dispensations, the Church is essentially the same. What was the word of God to the Old Testament, is the word of God to the New-Testament. The five books of Moses are a precious portion of the sacred oracles. Those who understand the scriptures know how to explain and appreciate them. Christians can distinguish between what was peculiar and attached to a particular period of the Church, before the coming of the precious Saviour; and that which is moral and applicable to all men.

As every command in the Decalogue is afterwards recognised and fortified by particular moral precepts,

expressly given for that purpose ; we may, a priori, be assured, that the seventh command will also be protected, and what respects its scope and extent will find some conspicuous place in the book of laws. The prohibition of adultery preserved the honour of the sacred institution, after it is consummated—but important inquiries respecting the parties who might lawfully enter into that state were left undecided in the letter of the Decalogue.—Whether the ordinance of marriage be free, without any restraint or limits, so that all, whatever be their mutual kindred, may lawfully approach each other? or whether there be any prohibitions, and if any, what are the specific prohibited degrees? These were of the highest importance to be known and remained yet to be more plainly revealed. If by the light of nature, they could in some measure be discovered, it would still be a benefit to have them specifically ascertained by the authority of a divine revelation. It was therefore to be expected that in some part or other of the divine law, this subject would be introduced. Every other precept of the Decalogue is distinctly recollected, illustrated and enforced ; and surely what respects an ordinance, which God most solemnly instituted and blessed, which he honours,

and which involves so deeply the dearest interests and comforts of the whole human family, cannot be neglected or forgotten. There must be a law somewhere in the Mosaic code, to ascertain who may and who may not be united in marriage. Without such a law, the great object of the seventh command will remain fearfully exposed, and be left at a dreadful uncertainty.—Blessed be God! There is a law in his word which draws the line of prohibited intercourse. A law strictly moral, and appertaining expressly to the seventh command; but which, like all the rest that relate to the moral precepts of the Decalogue, is blended and incorporated with the ecclesiastical and civil statutes of Israel.

After making these observations respecting Law in general, and the structure of the laws in the statutes of Moses in particular, we are now prepared to open the Book, and examine the contents of the eighteenth chapter of Leviticus.

## SECTION V.

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### LEVITICUS XVIII. 16.

**I**N discussing this article, attention must be paid to—the object and scope of the Law in Leviticus, xviii. 6—17 :—the rules to be adopted for explaining that law—the particular precept which forbids a marriage with a sister in law—and the extent of all these prohibitions. If it shall appear that this law exclusively respects the crime of incest—that, agreeably to the rules of just interpretation, the marriage of a deceased wife's sister is actually forbidden in the 16th verse—and, that this Law is not ceremonial but moral, and as binding, in its prohibitions, upon Christians, as it was upon the Jews ; the question will be decided by an authority, which it would be impious to contradict, and dangerous to disobey.

I. The *object and scope* of this Law is obvious from—its connection with the other laws contained in

this chapter,—and the unequivocal terms and phrases which distinguish this particular statute.

The chapter contains several laws against various lusts and pollutions, which are all denominated abominable.—It commences with solemn warnings against crimes of that description. Verses 1—5.—a definite and express statute against impure and illegitimate cohabitation, which was one of those crimes, is then introduced, and is the first mentioned. Vs. 6—17.—a Law against Polygamy is next added. Vs. 18.—this is followed by the interdiction of uncleanness, adultery, and obscene idolatry, vs. 19, 20, 21.—and the last is a law against unnatural lusts and sodomy, vs. 22, 23.—the chapter closes with awful threatenings against those who should dare to violate either of these Laws.

That the statute contained in verses 6—17. exclusively relates to prohibited marriages is evident—from the express designation of the crime—the definition of the subjects of the law—and the minute enumeration of the *degrees of kindred* which constitute the basis of the prohibitions. Any attempt to prove or illustrate this, would be superfluous.



The object of the law, and the meaning of the divine Lawgiver can not be mistaken. It is impossible to hesitate in determining, that this is a law which condemns what is called **INCEST**; that its immediate scope and design is to draw the line of prohibitions, and ascertain, with precision, the degree of kindred, within which God forbids the consummation of marriage.

II. To understand this law and explain it faithfully, the following **RULES** are admitted as unquestionable.

1. The term *near of kin* specifies that degree of relation which approximates too closely to render a marriage legitimate between persons thus related—the *nearness of kindred* is the essential principle of the law against incest.—Any pretended criticisms on the meaning of the Hebrew *sheer Bbasar* are altogether inadmissible. Our translation *near of kin* conveys the exact meaning of the original, and expresses with precision, what is intended. The word *sheer* signifies *relict*, remnant, remainder, and *Bbasar* means *flesh* alimentum, pars reliqua post mortem, what remains after life is extinct. These

terms when applied to *human kindred* are very emphatic ; and they are evidently in this law not confined to consanguinity, but express in general, propinquus a *kinsman*, or affinis *one related by marriage*, as well as cognatus *a relative by blood*.

2. The phrase *to uncover the nakedness* is used to signify sexual commerce or marriage. The meaning cannot be mistaken.

3. The term *wife* in this law, indisputably signifies *widow*. The word is often used in scripture to denote *widow* ; see *Genesis xxxviii. 8. Ruth iv. 5. 10.* It must mean widow here, for were the husband still alive, it would be adultery, which is not the crime intended or designated in this law.

4. In the enumeration of the degrees of relation, the sources by consanguinity and affinity are indiscriminately blended. The relations of the husband, and the relations of the wife, in consequence of the union produced by marriage, are considered as equally near to both. No distinction is made in the direct or lateral line, between those who are related by blood or by marriage.

5. Consistent with the principle upon which the law is founded, it is evident, that wherever a degree of kindred is named and prohibited, all the relations, either in consanguinity or affinity, which are in the same degree, and especially such as are nearer, than that which is mentioned, are necessarily included and equally forbidden.

6. The same prohibition which binds a man is equally binding upon a woman. To say that men preserve the name of the house, which is lost by the marriage of a woman into another family, and that therefore men alone are comprehended in this law is trifling, and prevaricating. As an intelligent being and equally under the obligation of the divine law, the female is as fully included in these precepts as the male. Whatever relation then, the law expressly names upon the part of the husband, must be considered as implicitly intended and actually comprehended, upon the part of the wife.

7. Every relation of the same degree, when reversed, must be understood to be as much included in the precept as if it had been specifically mentioned. To have repeated all these, vice versa, would

have unnecessarily multiplied the words of the law, without rendering them more explicit or intelligible.

III. As the law before us is, beyond contradiction, a statute against Incest, we may expect to find in it, some precept respecting A SISTER IN LAW, since she is also *very near of kin*.—In this we are not disappointed. It is contained in v. 16. “Thou shalt not uncover the nakedness of thy brother’s wife ; it is thy brother’s nakedness.”—To remove every temptation and silence all prevarication upon this article, the same precept is repeated in chap. xx. 21. “If a man shall take his brother’s wife, it is an unclean thing : he hath uncovered his brother’s nakedness.”—Here two brothers are forbidden to marry the same woman ; and of course two sisters may not marry the same man.—“The sister of a deceased wife stands in the very same relation with a brother of a deceased husband ; the law therefore is express and full, that *two sisters shall not marry the same man*. Whoever then marries his deceased wife’s sister is, by the clear and unequivocal sentence of God’s law guilty of *incest*.”

There are two classes of sisters in law. One is the wife of a brother, the other the sister of a wife. Both these are always called by the same name, and with great propriety. They are both *sisters in* and by the *law* of God, upon the same principle of affinity; and are both related in exactly the same degree of kindred. If there be any difference, the sister of the wife, in consequence of the union of husband and wife, is the nearest. The law therefore which prohibits a marriage, with one sister in law, must agreeably to rule 5, forbid a marriage with the other sister in law.

The objection urged from the precept, *Deut.* xxv. 5. 10. will be considered and answered in its proper place, where it will be seen, that it makes no alteration in the spirit or letter of this Law. It suffices here to observe, that whatever may be the scope or extent of that exception, in regard to a brother's wife, in a particular instance; it evidently can have no reference at all to the other class of sisters in law. The sisters of the wife are clearly, and absolutely prohibited, without any admissible condition or supposed dispensation. •

This law is intelligible and decisive, and could not fail of being understood by the Jews as absolutely forbidding any *man* to marry the sister of his deceased wife. It is also equally obvious upon the part of the *woman*, to whom the law of *Deut.* xxv. cannot possibly apply, that she may not, in any case, conformably to rules 6. 7. marry the husband of her deceased sister. And if she may not marry him, he, most assuredly, cannot lawfully marry her.

To endeavour to elucidate this precept is unnecessary, the law cannot be rendered more perspicuous or convincing. It enacts in the most positive terms: "Thou shalt not uncover the nakedness of thy brother's wife;" that is, thou shalt not marry thy sister in law, neither the widow of thy brother, nor the sister of thy wife.

IV. In this construction all are unanimous, all agree that the precept is plain and positive as it respects the Jews. None have ever denied that God has forbidden an Israelite, to marry his sister in law, whether it be the wife of his deceased brother, or the sister of his deceased wife. The only point, upon which any question can arise, relates to the na-

ture and EXTENT of the precept. It is asked, whether this law be not *ceremonial* and, in its nature and object, exclusively intended for the Jews only? or whether it be a *moral* law, applicable to all mankind, and as binding under the New-Testament dispensation as it was under the old? To these enquiries, the following observations will suggest a sufficient answer.

1. There is nothing ceremonial in this law; nothing that has any immediate connection with the external Church, or the civil government of the Jews; nothing that has any relation to the sacred rituals, typical purifications and solemn sacrifices introduced in Israel, or adapted to the period when the Church was governed by a Theocracy; all of which are the distinguishing properties of a ceremonial law.—Will any one pretend, that the law which forbids a man to approach a person who is *near of kin* has the least respect or any shadow of reference to rites, types or sacrifices? Is there any thing in the object of this law peculiar to the Jews? Is not marriage an institution for all mankind? Is there not the same nearness of kin subsisting throughout the whole world? Is not the moral turpitude of

mixing with near relatives the same in one period of time as in another, the same in other people as in the Jews? When therefore the object of the law is moral; when it essentially applies to the whole world, and to every period of time; when it has nothing in its nature, form or scope—nothing in the connection in which it is introduced, or the language in which it is expressed, that has the most distant respect to any rites or ceremonies; with what propriety, or by what authority, will any contend that this law against incest is a *ceremonial law*?—And, if the whole law against incest, in the aggregate, be not ceremonial, with what shadow of argument, can any particular precept, in that law, be separated from the rest and be pronounced ceremonial? Is the precept, verse 16. against marrying a sister in law any more ceremonial than the other prohibitions in this chapter? will any man, who understands what he reads, allow that the other precepts against incest, or those against sodomy are moral, and yet contend that the precept respecting a sister in law is ceremonial? has *that* any criterion of peculiarity or ceremony distinct from the others? does it not possess the same character, and is it not enjoined in the same connection, the same style, and by the same



authority with all the other precepts? has it not the same internal marks, the same essential properties of a moral law? they who rashly attempt to degrade this precept from its true and exalted station, must beware lest they incur the awful threatening denounced, *Revel.* xxii. 19.

2. In the preceding section we have seen—that it was essential to a Theocracy, to have the doctrines of grace, together with the moral precepts, blended with the civil and ecclesiastical laws, that thus one complete code, exactly corresponding with the dispensation of the Old Testament, might be formed.—That in consequence of this arrangement, throughout all the books of the Old Testament, and especially in the Pentateuch, the promises and precepts appertaining to the invisible Church are mingled with topicks which are peculiar to the visible Church, and connected with the ecclesiastical and civil government of the Jews.—That as all the other commandments contained in the Decalogue, which is a summary of the moral law, are, in one place or other of the Mosaic system, distinctly illustrated; their principles established; and sanctions enforced; so we may confidently expect the same will be done,

with regard to the seventh command. Since God would, most assuredly, not leave the holy institution of marriage, upon the maintenance of which in its purity, so much of the happiness of the world, and the honour of religion depend, without some farther explanatory precepts.—That, as he had protected the ordinance against adultery, by the letter of the seventh command, we may be persuaded he would also shield it from pollution, by prescribing the prohibited limits, and declaring who were the legitimate parties, that might enter into that holy state. But now, where has God done this, unless it be in the law before us? If this be a moral law against incest; if in this law the prohibited degrees, which apply to all mankind, be expressly mentioned, or clearly implied, upon principles which can admit of no doubt or contradiction, then the important benefit is obtained, the desired statute is found: But if this law be ceremonial, peculiar to the Jews, and in which, of course, the rest of the world have no share, then there is no law in the whole revelation of God, which meets the situation and necessity of the human family—for there is no other passage in the Bible, not a single paragraph to be found in the Old or New-Testament, where the prohibited degrees

are enumerated, excepting in this xviii chapter of Leviticus, and a few verses in the xx chapter, where some of the precepts are repeated. If this law does not extend to Christians and to the whole world, then a man may now marry even his own mother, his daughter, or sister by blood. There is, at least, no written law to forbid him. But if this law be indeed a branch of the seventh precept; if in its nature, scope and object, it altogether coincides with the spirit and extent of that command, then it is as much a moral law as any precept in the Decalogue, and as such, we are bound to receive it with humble submission, and fervent gratitude. It is the very revelation we needed to instruct us precisely respecting the parties who may lawfully enter into the holy state of matrimony.—Nor can it be expected that we will ever suffer any, whatever may be their motives, to rob us of this treasure.

3. The emphatic language of the divine Lawgiver, in the introduction to this law, and in the concluding sanctions annexed to it, is sufficient to determine the question, and decide it to be equally obligatory upon all mankind. To prevent the possibility of mistaking the subjects of this law, or

considering it to be merely ceremonial, a restriction for a few persons only ; it is *introduced* with a general interdiction, by a very singular repetition : *Ish. Ish.* (Hebr.) *anthropos, anthropos,* (lxx.) *vir, vir, omnis homo,* (vulg.) no man, no man ; our translation has it *none*, that is, *no one*. A mode of address which constrains us to conclude that every individual, without any discrimination or exception, is here intended. The solemn words annexed **I AM JEHOVAH** are also calculated to excite the religious attention and claim the holy obedience of all.—The *sanctions* are also very intelligible and impressive. The depraved Canaanites are charged with being guilty of gross abominations, for which in the righteous providence of God, they were to be wholly extirpated.—And in the list of their horrible crimes, Incest is the first named and has the foremost rank. But what could have rendered incest a crime among the Canaanites ? Let it be repeated, where there is no law, there can be no transgression. If the law against marrying those who are near of kin be ceremonial and peculiar to the Jews, it could have no binding power upon the Gentiles, who were strangers to Israel. What then was the law, respecting this sin, which they had transgressed ? It was sure-

ly the moral law; that very identical law which is contained in the xviii of Leviticus, and which is declared to be enacted for the very purpose of describing the nature and condemning the evil of incest—a law in which the prohibited degrees are distinctly enumerated and authoritatively forbidden. It was a law of nature and tradition to the Canaanites, with which they were sufficiently acquainted, by the dictates of conscience, to know that Incest was an heinous sin—but a law, which those who are blessed with this written precept, more distinctly now understand.

4. Let one consideration more be added, with which an Infidel has no concern, but which to Christians is very interesting. It was mentioned section III. that an instance of incest occurred very early in the Christian Church. That it was directly noticed, and the Apostle commanded the Corinthians immediately, in the name of the Lord Jesus, to excommunicate the incestuous person. This command, supported by the adorable authority of the divine Redeemer, was instantly obeyed; and it is recorded in the word, as a perpetual rule, in similar cases, which binds the Church in every age and place. As

such the primitive Christians certainly understood it, and in all successive generations, believers have always considered it a duty, expressly enjoined by their Lord, to cut off from their communion every person who commits Incest. But to what a fearful dilemma is the Church of the New-Testament reduced, if the Law contained in Levit. xviii be ceremonial and intended for the Jews only? Where then is the standard by which Christians are to judge of this crime? How can they excommunicate a person for being guilty of Incest, if they cannot define the sin or ascertain the prohibited degrees? And how can they do this, without a *written* document, some infallible rule, by which they are to be guided? Must it be left to conjecture, to prejudice, to the arbitrary decision of the officers of the Church? Must it be measured by any vague and indefinite scale? Is not "to the law and to the testimony," a maxim and rule of proceeding for the Christian Church, as much as it was for the Jews? The divine Saviour has most assuredly not commanded his people to be vigilant against any sin, and faithful in their discipline respecting it, without informing them what constituted that sin. But where is the information given? Where has he explained that sin to them? There is no

passage in the whole book of God which defines the crime, excepting in Levit. xviii and xx. If that law be ceremonial, then it is now abrogated and no longer in force. If that law were peculiar to the Jews, then Christians have no law respecting Incest, beside the law of nature; and they are placed exactly upon the same level with the unhappy Heathen, who sit in darkness and in the region of the shadow of death. If that law be exclusively attached to the Theocracy, then the Church of the Old Testament had more light and clearer information in an article essential to the preservation of her purity, and for promoting the glory of God, than the Church of the New-Testament. Under the former dispensation the crime was clearly ascertained, and the Church of the Old Testament proceeded safely in her censure. But if that law be not moral, the crime ceases now to be defined, while the obligation to avoid the crime still continues. The Christian Church is then indeed called to a severe duty, she is commanded to punish criminals, without possessing any infallible rule, or having any means of knowing, what constitutes the crime.—The truth is, the Church of the New-Testament has always considered the law in Levit. xviii to be moral and of

universal obligation ; and all nations, who professed the Christian religion, have forever received it without any hesitation or gainsaying, as the sure and only standard by which Incest is ascertained.

If these observations prove insufficient to produce conviction ; if one or all of these fail to convince those of their error who maintain that the Law against incest was a mere ceremonial precept ; it will be altogether useless to add any more. Such persons must be considered as either above or below the reach of arguments.



## SECTION VI.

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### DECENCY.

WHEN incontrovertible arguments have decided a question, it may appear improper to add corroborating observations. But the subject before us extends, with interesting consequences, in every direction—it may therefore be expedient, beside arguments, to suggest considerations which appeal to the feelings of the heart. Only two shall be mentioned.—The first is distinguished by the title of **DECENCY**.

**DECENCY** expresses whatever is decorous and consentaneous to character ; it comprises, that delicacy in morals, that refinement in sentiment, and that precision in conduct, which render virtue amiable, interesting, and a source of comfort to society.

“ Whatsoever things are true, whatsoever things are just, whatsoever things are pure, whatsoever

things are lovely, whatsoever things are of good report; if there be any virtue, if there be any praise, think on these things," *Phil.* iv. 8. With this affecting and sublime group of words, the inspired Apostle suggests the influence and extent of sanctified principles, and recommends that beauty of holiness and undeviating rectitude of Christian manners, which include all that is implied in decency and delicacy.

Christians are "the salt of the earth"—"the light of the world,"—"a city set upon a hill." They must "do more than others," and "through Christ which *strengtheneth* them," they actually do more than others. Morality in all its extensive branches, from purer motives and with greater precision, is practised by them than by any other men. They deny themselves, and are afraid to sin; they avoid every appearance of evil, and hate "*even the garment spotted by the flesh.*"

This refinement of sentiment and principle makes little or no impression upon the wicked, whose pursuits and habits have never been regulated by such exalted standards, and who have no desire to be sav-

ed from their sins ; but to real Christians it is full of interest, and expresses their predominant wishes. To such, the article now before us appeals. They can enter fully into the subject—they know what DECENCY requires, and under its influence, will yield to all that has been suggested against committing incest with a sister in law.

Marriage is justly styled “ a delicate institution,” essentially connected with order and decency. Sweet spring of purest comforts, exuberant source of domestic happiness, it pours its precious blessings wherever it is honoured, and amply pays for protection and defence. But, exposed to insults and susceptible of injuries, it withholds its invaluable benefits from those who suffer it to be abused and polluted. Any people who tolerate incest of any description ; who countenance adultery ; or sanction divorces for any other cause, than what the word of God prescribes ; will quickly realise the pernicious effects of their conduct. They will rapidly depreciate in taste and sentiment, and infallibly degenerate in morals. If the fountain of social virtue be troubled and poisoned, the streams will inevitably be turbid, bitter, and fatal—“ thine own wicked-

ness shall correct thee, and thy backsliding shall reprove thee.”—Beside, let it impress the public mind with holy fear, let it be remembered with reverential awe, that God is jealous of his own ordinances, and will not suffer any person with impunity to profane them; especially *those* who are blessed with his word and profess to be his people. “If *they* call evil good, and good evil; if *they* break his statutes, and keep not his commandments, He will visit their transgression with the rod and their iniquity with stripes,” for “verily he is a God that judgeth in the earth.”—The rule of the divine government toward those whom he has *known*, and blessed with distinguished privileges, is always and invariably the same: “The Lord is with you, while ye be with him; and if ye seek him, he will be found of you; but if ye forsake him, he will forsake you.” And, saith the Lord, “wo to them, when I depart from them.”

Many indecent and indelicate, disagreeable and unpleasant consequences resulting from a marriage with a sister in law, will be readily anticipated by every serious and reflecting mind. Let it suffice to observe; that admitting (which cannot in truth be

granted,) that a doubt might be cherished whether a sister in law be a relation, within the prohibited degrees; must it not still be acknowledged, that to marry such a relative is a rash and dangerous act? Is it not perilous to advance as near as possible to the brink of a precipice? Is it safe, is it prudent, is it consistent with the Christian character, to approach deliberately to the very verge of an abominable and accursed crime, under the infatuated and fluctuating hope that *perhaps* it may *possibly* be an exemption?

But it is not only rash and dangerous to the individuals; it is also injurious to the community. Such marriages trespass upon the rules of decency; they are inimical to that purity, and chastity of families, which insure the repose and happiness of society; they are hostile to that virtue and delicacy, which the religion of nature, and revealed religion inculcate.

In the confidence of protection from a man, who by his marriage has been brought into the family, and *become a brother*, the younger sisters are always in the habit of associating familiarly and frequently

with their married sister—their former affection is not interrupted by the introduction of a new relative. This is proper. It is consistent with the most rigid rules of morality. It is founded upon the indisputable presumption, that the sister of the wife is now also become *the sister of the husband*, and he is *her brother*. No suspicion of indecency can arise in her mind, nor any imputation of indelicacy upon the part of the public. She may come, remain, or go, in all the safety of innocency, under the broad shield of the divine law, and the universal consent and approbation of society. But let it be once adopted, let practice establish the detestable principle, that the sister, after the death of the wife, may become *not at all related* to the husband; that she may be to him a stranger, and as much the legitimate object of marriage as any other woman, and her frequent and familiar visits must cease. She can no more come to his house, or be oftener seen in the company of her *brother in law*, than she may frequent the house or be familiar in the company of any other married man. The affectionate intercourse of the sisters is at an end.

As it respects himself and the unhappy victim of his incestuous cohabitation—is it not *indecent* to persuade her to an act, which could she have foreseen, would, from principles of delicacy, have prevented the familiar intercourse, in which, as a *sister*, she had innocently indulged?—Nay, is it not cruel, to render the woman, who had placed confidence in him as a *brother*, a partaker with him, in the fearful risks and alarming consequences of such a connection?—Is there not an ample choice among strangers? Is it not one of the great objects of marriage to enlarge the domestic circle, and cement families by new relations? And is not that great end frustrated, by the contracted, indelicate, and indecent selection of a sister in law? *Habita est ratio rectissima charitatis, ut non in paucitate coarctaretur, sed latius atque numerosius propinquitatibus crebris vinculum sociale diffunderetur. Aug. de civit. 15, 16.*

“Let us study the *beautiful* and the venerable, as well as what is *true* and *just*, in actions, and pursue every thing which shall, as such, approve itself to our consciences; every thing in which there shall be *virtue* and *praise*. Let us always, in this view, en-

deavour to keep the *moral sense* uncorrupted, and pray that God would preserve the *delicacy of our minds* in this respect, that a holy sensibility of soul may warn and alarm us to guard against every distant appearance of evil.”\*

\* Doddridge.



## SECTION VII.

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### OFFENCE.

“**W**OE *unto the world because of offences! but woe to that man by whom the offence cometh.*”—“Am I my brother’s keeper,” was the reply of a murderer; and to a certain degree, it is the language of every unregenerate heart. What do the wicked know of the Church of God, or what do they care for offending the members of the Church? But to all who profess the Christian religion, and especially to those who are renewed in the spirit of their minds, and devoted to the service of the Redeemer, the wo pronounced by him is full of meaning, and suggests very serious reflections.

An **OFFENCE** is the displeasure, disgust, or scandal which arises in consequence of the improper and sinful conduct of others. This, in some instances, it is acknowledged may be improperly excited, and offences taken where there is no just cause for an

offence. It was thus when the Pharisees, through unbelief and malice, were offended at our Lord; and such may also possibly happen, when persons, of contracted information, are grieved at transactions, with the principles and consequences of which, they are wholly unacquainted.

But all offences are not of this description. Those against which the divine Saviour denounces a wo, are corrupt opinions and evil practices which are injurious and afflictive, discouraging and ensnaring to his people. Considering the depravity of mankind, and the innumerable temptations which abound, it is morally impossible, but that, under the divine permission, such things will happen; yet, however light the sinner may esteem the transgression, he may rest assured that awful punishment awaits the man, whoever he may be, whose rash and pernicious conduct proves an occasion to pervert others, to grieve them, or draw them into sin.

The marriage of a sister in law is an evil of this class. It grieves and offends the Church of Christ. It will not avail to boast, that "in our enlightened age, it is proper to break the fetters of inveterate

prejudice and dispel the cloud of ancient ignorance." That it is "magnanimous, by bold efforts, to convince the world and especially Christians, that they have been hitherto mistaken in the meaning of the divine law and the extent of their liberty." Such language is characteristic of scoffers who fear not God nor regard man; but it is arrogant and insufferable in those who make a profession of religion.—What claim have such presuming reformers to the attention or gratitude of the public? With what depth of investigation, with what force of argument do they support their pretensions? Is not their whole plea for marrying a sister in law founded entirely upon frivolous evasions and trifling objections? Do they enter at all into the merits of the question, or make any reference to the principles upon which its decision depends?

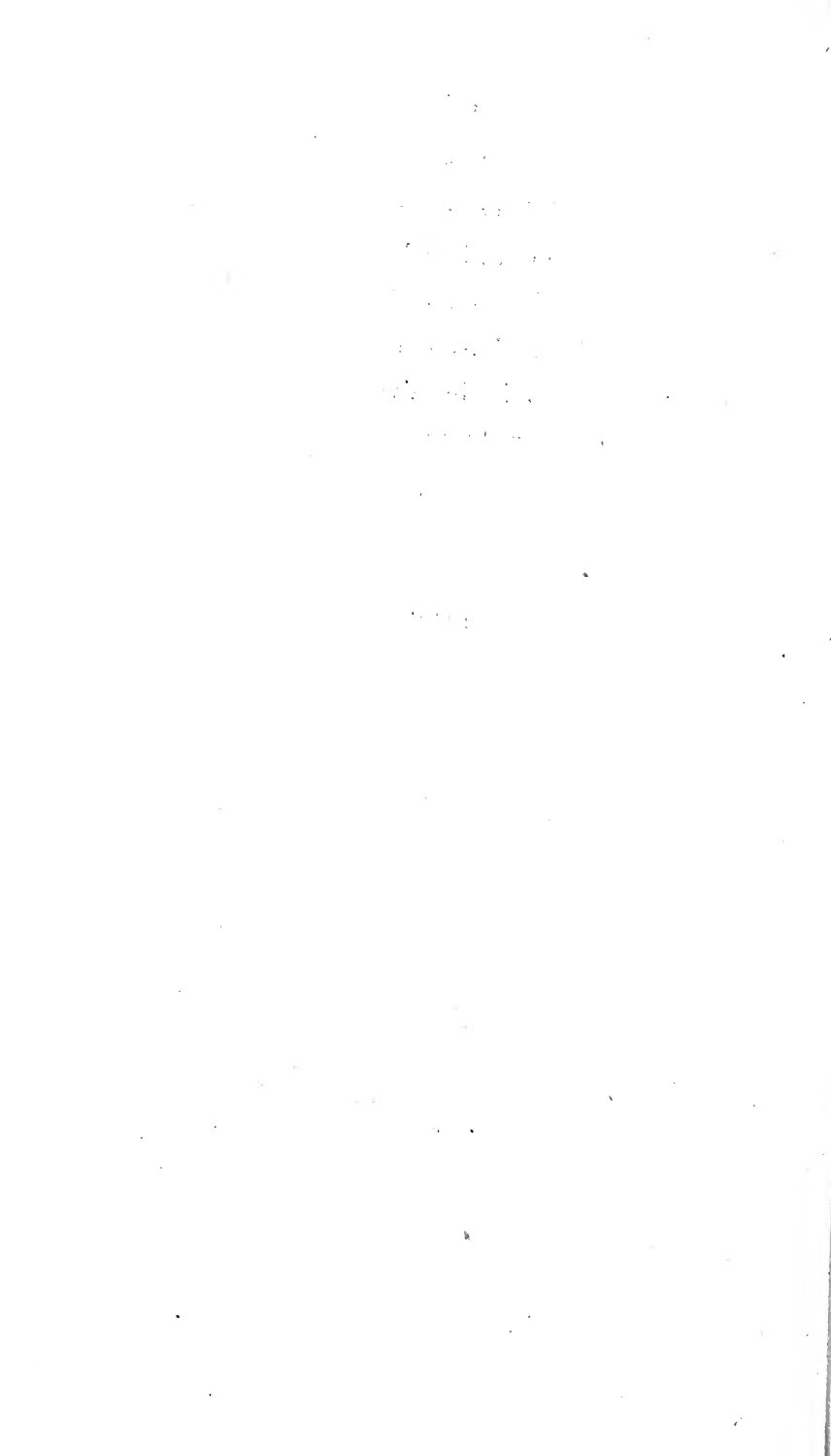
The divine law has not been obscured in a cloud, nor are prejudice and ignorance to be ascribed to believers, either under the Old or New-Testament dispensation. Throughout every economy of the Church, they understood the genuine institution of marriage, and knew the precise meaning of the prohibitions. They never could be impeached for

want of knowledge or a deficiency in a well informed zeal to obey and vindicate the law of God; and they are not disposed, at the present day, to repair to young expositors for instruction, nor to modern innovators for new morals. No fear of resentment nor desire to please, no frowns nor smiles can intimidate or allure Christians from their duty. Firm to their vows and faithful to their Lord, they now, as heretofore, are resolved to *ask for the old paths—the good way*, and they *WILL walk therein*.

How different from these boasters, were the principles and conduct of the humble and holy Apostle! He trembled at the idea of offending his brethren, even in matters which were indifferent and certainly not sinful. He would not “offend in any thing,” if even his eating meat should create an offence, he “would eat no flesh while the world standeth, lest “he make his brother to offend,”—and he commands all “to give none offence, neither to the Jews, nor to the Gentiles, nor to the Church of God.”

Let not then the advocates for marrying a sister in law pretend, that such marriages, by being often repeated and unblushingly defended, do not any long-

er give offence. They know *that* to be impossible. The Church which is not offended by them, would be an apostate from truth and duty, and cooperate to its own destruction.—The fear therefore of giving offence, abstracted from every other consideration, ought to restrain the advocates for such marriages from affording their patronage, and especially deter all from committing that evil. It is well known, and cannot be denied, that those connections always have been, and still are, considered by all the Churches, a shameful violation of the divine law and an open reproach to religion. That, with very few exceptions, Christians of all denominations are greatly offended and seriously grieved by such marriages. And it is time to have it known by experience, without further indulgence, wavering, or hesitation, that the Church of Christ, possesses sufficient information, authority, and means, to remove offences and punish offenders.



## SECTION VIII.

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### SUMMARY.

THAT God forbids a man to marry his sister in law has been proved beyond contradiction. To illustrate the subject and exhibit the arguments with precision, it was judged advisable to ascend to the first principles of marriage and affinity; to contemplate the evil of Incest—and ascertain the nature and extent of the divine law, which prohibits that crime. These interesting topics have unavoidably introduced a variety of observations, which are numerous and diffuse; but which are perhaps not calculated to afford the same instruction or excite equal conviction in the minds of some readers, which the same reasoning would produce, when compressed within narrower boundaries. As instruction and conviction are the primary objects in view, the following summary is annexed.

1. Marriage was not devised by man. It is a divine ordinance which constitutes an union between two persons, and renders them no longer twain, but one flesh. It was the exclusive prerogative of God to protect and vindicate his own institution; and he has done this, in the most authoritative manner, by his positive precepts. The revealed will of God is therefore the only standard, agreeably to which all questions respecting those who may lawfully enter into that holy state, must be decided.

2. The kindred created by marriage is real; and, as it respects connubial connexions, is constituted by the law of God, as sacred and legal as that which is founded in blood. To the married persons reciprocally, affinity produces a relation of the same grade with consanguinity. The mutual relatives become blended and are equally related to both husband and wife, and this degree of kindred remains permanent.—It cannot, by the death of either of the parties, be ever changed or dissolved.

3. Incest is a detestable crime.—The human mind revolts against it as filthy, injurious to virtue, and inimical to the comfort and prosperity of socie-



ty.—God has forbidden Incest in terms which indicate his holy indignation against it, and his righteous determination to punish the individuals, who commit the crime, and even to inflict judgments upon any people, who countenance and permit such abominations.—The Heathen reprobated it; Mahometans condemn it; the Church under both dispensations forever censured it; and civil Governments have always considered it a crime against society, and punished it, as such. In every form it assumes, it is criminal; and whatever approximates to this accursed sin is injurious to the morals and character of the community.—But, a marriage with a sister in law is not a species of distant or slight Incest, it is of the highest grade. Who is so near as a sister? What higher incest can be practised? There is no collateral relative nearer than a sister. It is the first in that line; none but a mother or daughter, in the lineal descent, are nearer.—It has been demonstrated that the Law of God makes a sister *by affinity* as near to the husband, in respect to marriage, as a sister *by blood*. It is therefore Incest of the first degree for him to marry his sister in law. And shall a crime of such magnitude be palliated with frivolous arguments, or defended by super-

ficial evasions? Is it possible that men of understanding and conscience, who fear God and would not presume to justify the wicked, will dare to patronise such daring Incest? Can they be contented to rest their decision, in such an interesting subject, upon trivial and unimportant objections? Is the holy Law of God to be invalidated by sophistical subterfuges and unfounded inferences? Will not some, who through want of information, have heretofore wavered on this subject, tremble at recollecting that they have been in danger of approving an abominable crime? Will they not thank God if the veil be now rent, and they withheld from vindicating a gross transgression of the divine Law?—Let it be remembered, if Incest in one degree, and especially in one of the *highest grades*, be indulged, that other species of that detestable sin will rapidly multiply. Men may soon be found sufficiently depraved and unprincipled to marry their nieces, and perhaps before long, to take their sisters in blood. It is impossible to foresee to what depths of debauchery the public manners may be debased, or where the horrible scene will close.—It must be checked in the bud, and if the virtuous part of the community be aroused, and the Churches faithful, it can

yet be successfully resisted, and those scandalous marriages, which are a reproach to the Christian name, and a disgrace to the nation, will be no more repeated.

4. The law of God is the infallible rule of our conduct.—In the establishment of a Theocracy under the Old Testament, the moral law, and pointed explanations of all the precepts of the Decalogue, were mingled with those which were peculiar to the external state of the Church, and the civil government of the Jews. But the nature of the respective moral precepts remained essentially the same, and were not in the least altered by being thus blended in one common code.

5. In the xviii chapter of Leviticus, chastity is commanded and every species of uncleanness forbidden. There are various laws in that chapter suited to their different objects. Among other crimes which are all denominated abominable, Incest is first introduced, and occupies a conspicuous place.—From verse 6 to 17 inclusive, the degrees of kindred, within which God forbids marriage, are distinctly enumerated.—It is a rule of explanation

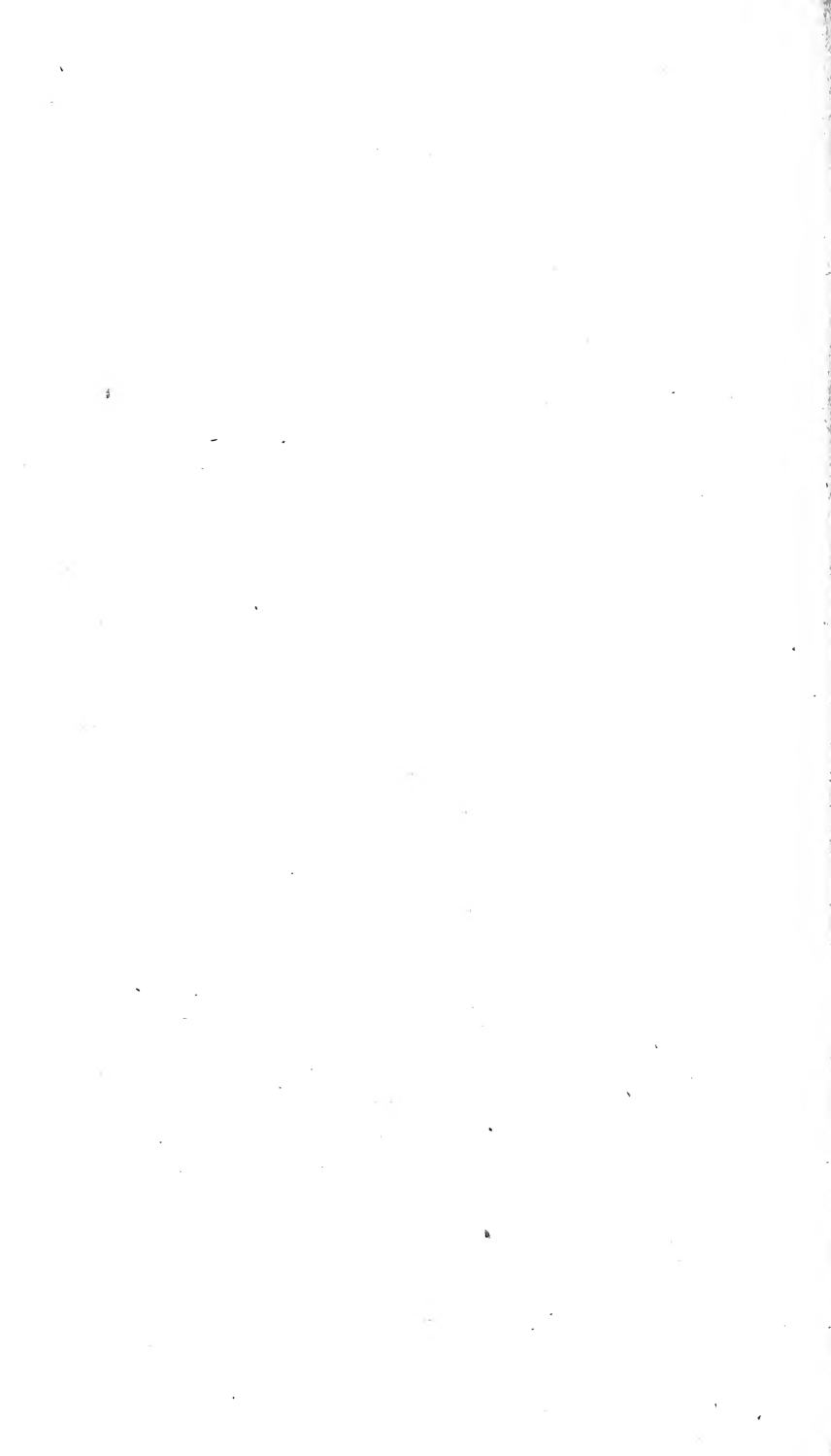
which cannot be controverted; that, "every precept, which expressly names and prohibits any particular degree of relation, must be understood to comprise all relatives within the same degree, as fully as if they had been specifically named." Without admitting this rule, the law would have been greatly defective, or must have been tediously prolix.—While designating degrees more remote, strict attention has been given to the relation of brothers and sisters, and marriages with those relatives are expressly forbidden. The prohibition extends not only to brothers and sisters, by *consanguinity*, but also to brothers and sisters by *affinity*. Each is particularly recognised. Sisters by blood and sisters by affinity are considered as relatives equally near and legal, as it respects the marriage connection, and each is equally forbidden. The case of a sister by affinity is introduced, verse 16.—A sister by affinity is either a *brother's wife*, or the *sister of a wife*. Both are equally sisters; both are allied upon the same principle, and both stand in the same degree of kindred. To prohibit a marriage with one, is therefore of course a prohibition with respect to the other sister. Whatever exceptions may be supposed to have sometimes intervened in regard to

a sister in law of the former class, there could be none to a sister in law of the latter. The sister of a deceased wife is, without any possible exemption, absolutely and forever prohibited.—In this sense the ancient Jews understood the law. They knew they were unconditionally forbidden to marry the sister of a deceased wife. The law is unequivocal and as it regards the Jews, its meaning cannot be controverted. The only question to be decided is, whether this law is ceremonial and peculiar to Israel; or whether it is moral and of universal obligation? That it cannot be a ceremonial law is evident from its possessing none of the properties of a ceremonial law.—That it is a moral law is certain—from its essential connection, in its object and scope with the seventh precept of the Decalogue—from its express reference to the law of nature, and coincidence with that very law which the wicked inhabitants of Canaan had transgressed; and—from its being the only written law in the whole Bible, upon the subject of Incest; the only standard by which the Christian church can ascertain the crime, and agreeably to which, by proper discipline, she can preserve her purity by excommunicating such criminals.

6. Whatever may be the evasions, which men interested in the question, may devise, it is undeniably *indecent* to marry a sister in law. It is inimical to public virtue, to innocent intercourse, and the comforts of society ; and is peculiarly indelicate and cruel to the sister who is made an accomplice in the crime.

7. The divine law against Incest is of perpetual obligation, and has always been well understood. No instruction upon this subject is now needed, nor will any be received from incompetent teachers. The Church of the New-Testament is under the same law with regard to Incest, with the Church of the Old ; in every age she has decidedly adopted the precepts contained in Levit. xviii. 6. 17. as the only standard by which that crime is to be adjudged. It therefore cannot be true, that a marriage with a sister in law does not give *offence*. And this consideration alone, abstracted from the authority of the divine law which forbids them, ought to deter professing Christians from contracting marriages which they know give great offence, and, as such, are very sinful — Every nation upon earth, where the Christian religion prevails, protests against such mar-

riages, and pronounces them scandalous and incestuous ; and every Church, of every denomination, that is pure in the doctrines of the gospel and faithful in discipline, is always justly offended by such forbidden connections ; and must and will, without hesitation, excommunicate any member, who marries HIS SISTER, whether it be a sister by *consanguinity* or a sister by *affinity* ; that is, a *sister by blood*, or a *sister in* and by the *law* of God.





## SECTION IX.

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### OBJECTIONS.

**OBJECTIONS** are of no avail against demonstrations. Whatever has been proved to be true may be contradicted, but can never be rendered false ; yet if left unrefuted, objections may become dangerous to individuals, and, when influence joins with error, prove injurious to the community. A desire to establish the truth and remove prejudice will render it, if not a pleasant, still an useful task, to introduce and briefly answer every objection that is seriously urged, or has the semblance of an argument.

I. The primary objection is “ that the law against Incest, in Levit. xviii. is not a moral but a ceremonial law ; that while it is confessed God prohibited an Israelite from marrying his sister in law, whether the wife of his brother or the sister of his wife, yet this, being peculiar to the Jews, is not binding upon Christians.” But where will this lead us? Then a

Christian *may* marry his sister in law, nay, he *may* marry his nearest relatives by consanguinity. There is no law in the book of God to bind him to the contrary. If the precept respecting one relation be ceremonial, then all the precepts are ceremonial—a discrimination is impossible. The Jews then were restrained from committing abominable crimes, but Christians may perpetrate those very sins with impunity.—Is it possible for men to advance such an objection, and look at the unavoidable conclusions, without blushing at their prejudice and rashness? Will not the nature of the law, the subject it contemplates, the style in which it is expressed and the connection in which it is introduced, convince any person, capable of understanding the question, that the law against Incest cannot be ceremonial, but is as much a moral law, as the law of marriage, or the seventh precept of the Decalogue?—that it is therefore of universal obligation, binding upon Christians and all men, equally with the Jews? But a full reply to this unfounded objection has already been anticipated in section V.

II. It is objected that “there is no *intrinsic evil* in the marriage of a wife’s sister; that there is noth-

ing in the *principle* relating to the connection itself, or in its *consequences*, with respect to the individuals and their families, that is repugnant to any moral obligation or injurious to the interests of society.”— But this is no objection, it is a rash assumption of the fact, an absurd *petitio principii*. Objections in the same style, and with equal propriety, might be made in regard to any marriage, even with the nearest relatives. But, when restricted to a *sister in law*, let it be remembered, that God himself has decided the question. His express command determines whether such a connection be intrinsically evil or not; and as to what regards the *consequences* of such marriages, a sufficient answer is found in section VI, under the title of decency.

III. An objection, upon which high confidence is placed, is taken from the law in Deut. xxv. 5—10, where it is enacted; that “if brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger; her husband’s brother shall go in unto her, and take her to him to wife, &c.” From this dispensation it is argued; “that the Law in Levit. forbidding Incest, must be considered as ceremonial,

since whatever is moral cannot be changed or dispensed with ;” to this, an extravagant inference is also added, “that the singular exception made by the law in Deut. xxv. rescinds the whole precept against marrying a sister in law.” But this objection and inference arise from an imperfect knowledge of what is meant by a *moral law* ; and from inaccurate views of the nature of *exceptions* to any law.

1. There are duties which are invariably obligatory, because they are founded upon the infinite perfections of God, and inseparable from the very nature of man ; such as a supreme love to God, and a sincere love to each other, and whatever is essentially connected with these. It is acknowledged that the law which binds to these duties is *moral* in the most extensive sense of the term. The principles upon which these duties are founded, are in their very nature unchangeable ; they are inscribed as such upon the human heart ; and have been repeatedly promulgated by a divine revelation. These therefore never can, nor ever will be dispensed with. But there are other duties which arise from *positive laws*, the whole extent of whose principles we do

not comprehend, and which, had it not been for an express revelation, would never have been known or recognised as a rule of conduct: yet when revealed, become equally obligatory, and are as *moral*, in regard to their binding power and requisite obedience, as any other law or obligation whatsoever. Now, the whole law against Incest, like the law of marriage, is a positive law; but it is not the less *moral*, after it has been promulgated. And the same divine authority which enacted this positive law, possessed the power, to make any changes respecting the operations of that law, which infinite wisdom might suggest—nor can any such particular dispensations make any essential alteration in the nature of the law itself, or abrogate its general obligation.

2. The case expressed in Deut. xxv. is a restricted municipal regulation, and is evidently a particular **EXCEPTION** to a general rule.\* But what is the nature of exceptions? how are they to be construed? It is well known, and ought to be remem-

\* Calvin and others suppose that by *brother* in this law, is meant, not a brother by consanguinity, but any other near relative; their opinion is founded upon the explanation of this Law in the case of Boaz and Ruth.

bered by the patrons of this objection, that exceptions do not comprise the general principle of a Law, or they would not be exceptions but repeals. —They always confirm the law, to which the exceptions refer, and must be construed strictly, or they would destroy the general rule itself.—They are only a suspension of the law, in the particular cases specified, and cannot extend to any other cases, much less to the whole law to which they relate.

The Law in Deut. is not intended to ascertain the degrees of kindred in which marriages are prohibited; that was fully and unequivocally done in Levit. xviii. The only object of the exception is expressly mentioned. A brother is directed to marry the widow of his deceased brother, but the case limits itself with great precision. It must be a brother who died without male issue—*Vu Ben Aen lo—et filius non ei fuerit*. Had the deceased left a *son*, the general law against Incest would have rendered a marriage with his widow, as incestuous as with any other woman near of kin.

It is evident that this exception was wholly restricted to the Theocracy, and enacted for the ex-

press purpose of preserving families and inheritances inviolate until the Messiah came. Whatever then might be the scope or the operation of the exception, it must necessarily expire with the Theocracy ; but this has long since answered the sublime purposes for which it was established, and is now dissolved. The exception in question therefore, and all the other peculiarities attached to the economy of the Old Testament, cease to be any longer of force. A similar case is impossible under the New-Testament. Christians therefore can never, upon any contingency, be permitted to marry a sister in law, who has been the wife of a deceased brother, and still less, a sister in law, who is the *sister of a deceased wife*, to whom the dispensation in Deut. never did, and in the nature of things, never could apply.

The conclusion is unavoidable : there is nothing in the law of Deut. xxv. which invalidates the moral nature and perpetual obligation of the law against Incest, in general, or the precept against marrying a sister in law in particular ; nothing which in any form or degree can be binding upon Christians under the dispensation of the New-Testament ; and noth-

ing, in the letter or spirit of that precept, which has the least reference to the question before us. To apply it to the sister of a deceased wife is a species of reasoning, of which men of cultivated minds ought to be ashamed.

IV. A fourth objection is raised from Levit. 18. 18. "neither shalt thou take a wife to her sister to vex her, to uncover her nakedness, beside the other, in her life time." From this precept it is inferred: "that the *natural sister* of the wife is intended; that the marriage with such a sister is forbidden only *during the life* of the wife: and the very exception, *in her life time*, evinces, the prohibition did not extend farther, and therefore after the death of the wife, the surviving husband might lawfully marry the sister: for why should any stress be put upon the circumstance of her being *alive*? Why should the law specify *in her life time*, if it did not mean to limit the prohibition to her *life time* only, during which it would be unlawful, but afterwards, it might become legitimate." Upon this objection the baseless fabric of the incestuous connection in question perhaps principally rests. Two observations will suffice to show it has no foundation.



1. The whole law concerning Incest closes with the 17th verse. The precept contained in the 18th verse respects altogether *another crime*, and is as distinct from Incest as any of the other cases which follow in the chapter. It is a law upon another subject, and relates wholly and only to POLYGYAMY. It forbids the taking of *any wife* beside the other, during her life time, and the reason is not derived from Incest, but because polygamy is a source of domestic *vexation*, and destructive of all the interesting ends of marriage.

If the *natural sister* of the wife were here intended, it could not, even then, be considered as an implicit permission to marry such sister after the death of the wife, for this was already absolutely forbidden verse 16. and, the whole cause of the prohibition in verse 18. refers to the *vexation* of the wife—but why should her *sister* be specified as the most vexatious partner? The pretended argument, to recommend the marrying a deceased wife's sister, would prove that of all other women she would be the least exceptionable and the most desirable associate of a living sister.—But, that the natural sister cannot be meant is evident, because the law would

then imply, that a man might marry *any* other woman, in the life time, of his wife, provided, she was not *her sister*; which would be implicitly to license polygamy, instead of forbidding it.—An inference which no modest commentator would dare to countenance.—“The whole of this objection is founded upon a mistake. However our translation sounds, there is not a syllable in the passage about marrying a wife’s sister more than about marrying any other woman. The text has nothing to do with the marriage of a wife’s sister. It is a clear, simple, and absolute prohibition of polygamy.”

Polygamy is of ancient date, and appears to have been practised in the early periods of the Church, even by some of the best of men, without an accusing conscience. The only apology that can be suggested to palliate the crime is, that possibly the pure principles of religion and morality were not so well understood at that time, as afterwards. But no apology must be attempted. It always was sinful, and was forever the source of domestic evils. It is beyond dispute that polygamy is contrary to the letter and spirit of the original Institution, and was positively forbidden. To the law which prohibits po-

lygamy, the Prophet Malachi appeals chap. ii.—14, 15, 16. To this our Lord refers Mat. xix. 5—7. And this, the Apostle confirms 1 Cor. vii. 2. But where is it forbidden? Where is the law which directly prohibits polygamy? In the seventh command of the Decalogue it is indeed implied, but it is no where expressly denounced in the whole revelation of the divine law, excepting in this very precept Levit. xviii. 18. To which may be added Deut. xvii. 17. Where kings are commanded not to *multiply wives*.\*

2. The undeniable proof that this precept, verse 18. refers wholly to polygamy, and can suggest no argument in favour of marrying the *natural sister* after the death of the wife, is deduced from the idiom peculiar to the Hebrew language, which is adopted in this text.† Whatever construction an

\* Grotius maintained that polygamy was allowed to the Jews, in consequence of expressions in their municipal precepts, which seemed to suppose such cases to exist. Drusius and others insisted, that it was prohibited in the letter of their law; yet permitted, by winking at the offence, for the hardness of their hearts. But the arguments, above mentioned, suffice to prove that it was positively forbidden, and always sinful.

† The term *sister* is used with great latitude in scripture. It *primarily* signifies, a sister by consanguinity or by affinity, either one who is descended from the same parents, from both or from one of them, and is a sister by *blood*; or,

English reader, who is inattentive to the subject, may put upon the phrase, it is impossible for any who have the least acquaintance with the original, or are capable of comparing scripture with scripture, to hesitate one moment in determining the true meaning.

The word *acha*, which is used in the plural *achot*, and with the possessive pronoun *her*, *achotah*, in its literal meaning, denotes a *natural sister*: So *Gen.* xii. 13.—*2 Sam.* iii. 1.—and so *Levit.* xviii. 9. 11, 12, 13. *Achotah* is however frequently used, by Synecdoche, as referring to any near and endearing relative, so *Gen.* xxiv. 49. 60.—*Jerem.* xxii. 18. But when the word *isha* a woman or *wife*, is joined to *achotah*, *her sister*, it becomes a phrase, and is employed metaphorically to express, either any thing which is *like another*, as *Jerem.* iii. 7.—*Ezek.* xvi.

one who is a sister in *law*, who has become a sister by the *law* of marriage, *Ruth* i. 15.—But it is frequently employed more *extensively*, to denote any near relatives. So, they were called the brothers and *sisters* of the Lord Jesus Christ, *Mat.* xiii. 55. *Mark* iv. 3. who were only his cousins, the children of the sisters of the virgin Mary.—It is also a term expressive of *affection*. So the divine Saviour calls the Church his *sister*, *Cant.* viii. 8. and as such he esteems all his faithful followers, *Mat.* xii. 30. So the primitive believers who viewed each other as brethren, called Christian women *sisters*, *Rom.* xvi. 1. *James* ii. 15. *2 John* xiii.—The name *sister* is also frequently introduced *figuratively*. “I have said to the worm thou art my mother and my *sister*,” *Job.* xvii. 14. “Say unto wisdom thou art my *sister*,” *Prov.* vii. 4.

45. or most frequently any thing that is *added to or joined with another of the same kind*. There are many instances of this singular phraseology, which expressly illustrate the passage before us, see *Exod.* xxvi. 3. *Five curtains shall be coupled together, ONE TO ANOTHER; Isha el achotah, a wife to her sister, and other five curtains shall be coupled one to another; Isha el achotah, a wife to her sister,* so also verse 5. and 6. of that chapter. The same words are found, *Ezek.* i. 9. *Their wings were joined one to another; Isha el achotah, a wife to her sister,* so verse 23. *their wings straight the one towards the other; Isha el achotah, a wife to her sister.* And again, *Ezek.* iii. 13. *The wings, of the living creatures that touched one another; Isha el achotah, a wife to her sister.* It is remarkable that this is not only the construction where the phrase has *Isha*, in the feminine, but, by the same idiom, it is found of *Ish* in the masculine, a *man or husband*, when in opposition to *ach* a brother, so *Gen.* xxvi. 31. *They swear; Ish le achiev, a husband to his brother, that is, one to another,* so *Exod.* xxv. 20. *Their faces shall look; Ish le achiev, the husband to his brother, that is, one to another:* and *Jo-*

*el ii. 8. Neither shall one thrust another; ve ish achiev, the husband shall not thrust his brother.*

The words and phrase in the verse before us are exactly the same with those cited—*isha el uchothah, a wife or woman to her sister*. If it then be asked how the term *sister*, and the whole phrase, *a wife to her sister* in this 18th verse must be understood? the answer is obvious; it cannot be in a literal, but is evidently to be taken in a figurative sense. *One to another*, that is one wife to another wife. Arius Montanus, in his latin version has translated all the passages in which the phrase occurs, literally, word for word, *mulier ad sororem ejus*—that is, the woman or wife to her sister, but he adds in the margin *altera ad alteram, or altera alteri, the one to the other*. It is to be regretted that our accurate and faithful translators, who in all the other passages attended to the idiom of the hebrew, and rendered the phrase correctly, did not do the same in this verse. They ought to have expressed it, *neither shalt thou take one wife to another*. The wife was evidently the subject, and the word *wife* might have been added, as in numberless instances, to elucidate the meaning, when it would read: *neither shalt thou take one WIFE*

*to another WIFE to vex her, &c.* This would have made the precept perfectly plain, and corresponded exactly with the original. But, “the Protestant translators made conscience of adhering as closely to the very phraseology of the original as could be done without destroying the sense : and as no church admitted the lawfulness of marrying a wife’s sister or supposed it to be a matter of doubt, the translators never dreamed, that the passage in question would ever have been perverted to the support of such an error.”\*

Nothing more was then intended in the precept, v. 18, than the prohibition of polygamy. After the death of his wife, a man might marry again, but *during her life time*, he shall take no wife of any description, no *other* wife, *together with* or in *addition* to the wife he already has. All the inferences or arguments therefore, in favour of <sup>\*</sup>marrying the sister, *after the* <sup>\*</sup>*death* of the wife, deduced from this verse, are frivolous and ridiculous. It is amazing that any Christian, especially any Christian Minister can permit himself to draw a conclusion so wild and

\* Christian’s Magazine.

unfounded. It is astonishing that any should dare to invalidate an authoritative law of God against Incest, upon the mere phraseology of a single precept which has no respect to Incest at all; that any should presume to make the divine law, which is plain and decisive; and obedience to it, which may not be disputed or withheld, to depend upon a quibbling construction of a single word, which nothing but want of information could suggest.

V. It is objected that the Jews maintain “the law against Incest does not forbid an Israelite to marry his sister in law; and as they must be supposed to be the best expositors of their own law, we may conclude this relative was not forbidden.” Indeed!—how much of the *Mischna*, or of the Babylonish or Jerusalem *Talmud* these men of erudition, who suggest the objection, may have read, and how familiar they may have been with the Rabbinical writers, is of very little weight in this argument. The fact is denied. Many of the Jewish Rabbins in answer to the application from Henry VIII. gave it under their hands in hebrew, “that the laws of Leviticus and Deuteronomy were thus to be reconciled.—That the law of marrying the brother’s wife



when he died without children did only bind in the land of Judea, to preserve families and maintain their successions in the land, as it had been divided by lot. But that in all other places of the world, the law of Leviticus, of not marrying the brother's wife was obligatory."

Whatever some modern Jews may have asserted, it is not assuredly the doctrine of the *Misch-na*. But grant it were so; admit it to be one of the interpretations in the farrago of their traditions; what then? What argument can it produce to the purpose? Had not that unhappy people, even previous to their terrible excommunication from the Church of God, lost the key of knowledge? Did not our blessed Lord call them "blind leaders of the blind, who transgress the commandments of God, by their traditions; making the word of God of none effect?" And is this the people to whom Christians must go for instruction? Are these the men who are the best expositors of the scriptures, which they evidently do not understand? Is the law against Incest *their* law exclusively, is it not also *our* law? Does it not bind us as fully as it did them? Do we not know how to expound our

own law, without the assistance of the enemies of the cross, upon whose face the *veil still remaineth*? Were her some ignorant and licentious Rabbies patronised the marriage of a sister in law, or whether the learned and virtuous Caraites opposed it, is of small concern to us. We are in the school of Christ and have the promise of being taught of God.

VI. The difficulty raised from the first marriages in Adam's family, where brothers and sisters by consanguinity, were necessarily connected, is so fully obviated by what has been observed respecting the nature of a positive moral law, that it requires no attention. Other objections have been sedulously collected; but they are altogether foreign to the principles upon which the subject rests, and too frivolous and sophistical, to be worthy of notice. ONE however remains, which is mentioned with sincere grief and great reluctance. It would gladly be suppressed, but faithfulness imperiously forbids. It has no essential respect to the merits of the question, but it is popular, and, upon minds unaccustomed to think for themselves, has probably had more influence than the weightiest arguments. It may not therefore be passed in silence.

It is objected that “there are instances of men, maintaining a good standing in the Church, and even highly, esteemed for their piety, who have married the sisters of their deceased wives ; and as such men are presumed to be acquainted with the word of God, and conscientious in their conduct, it must be taken for granted, by persons of inferior standing, that it is not an unlawful act, and that their example should encourage and ought to justify others in doing the same.”

If it be indeed a fact, that men of piety have married their sisters in law, it is greatly to be lamented. It is a cause of sorrow and offence that those who are commanded to shine as lights in the world, and, above all others, to avoid the appearance of evil, should be the unhappy instruments of leading their weaker brethren into sin, and strengthening the hands of the wicked. But in answer to the objection.

1. None will deny that characters are known to God alone. Men may make a profession of religion, and even obtain a high reputation among the Lord's people, and yet be actually strangers to the

power of godliness. It is therefore possible, those, to whom the objection refers, do not truly possess the grace and piety for which the public give them credit. Their conduct, in this instance at least, exposes their profession to a challenge, and ought, to excite them to a very serious examination, *whether they be in the faith.*

2. But admitting them to be really pious ; and that they plead “a conscience void of offence, declaring, that *in the integrity of their hearts, and innocency of their hands, they have done this thing ;* that they put a different construction upon the divine law, and, although they knew they approached very near, yet they were not aware of being actually guilty of Incest.” To this apology, *as it respects themselves,* they can only be told, that their declaration is received with great candor and admitted with much charity ; but the validity of their plea must be left to the searcher of hearts. He knows—what their motives were ;—what their opportunities for obtaining better information—their solemn warnings against the crime, and—their struggles, in the first instance, against convictions ; these are all before him, and with him they must re-

main. The community is no judge of motives. Actions claim the public attention, and censure fixes upon conduct alone. It is upon their *example* the objection is founded; it is because they have *done this thing*—it is because they have married a sister in law.

3. Conceding them to be truly pious, and without the least suspicion or imputation to the contrary; yet what commendation can their piety add to a transaction which is actually evil? What influence, as it *respects others*, ought their example to produce?—THEY are indeed *preserved in Jesus Christ*, and have the infallible *promise* of being *kept by the power of God, through faith unto salvation*. Their sanctification is a sure benefit of the covenant of grace, and they will, agreeably to their predestination, be certainly conformed to the image of the Son of God, *Rom. viii. 29*. And finally be *presented to himself, not having spot or wrinkle*. In this life, that precious benefit commences; when they are born again, they then begin to *live by faith*, and *delight in the law of God, after the inward man*. Yet perfection in degrees is not attained here; there is *another law in their members warring*

*against the law of their mind; which too often brings them into captivity to the law of sin, and this will be their burden, under which they will groan, as long as they are in the flesh; for if we say that we have no sin, we deceive ourselves, and the truth is not in us.* Hence the spiritual warfare, the severe conflicts of the divine life; hence the necessity of putting *on the whole armour of God*; and hence the repeated exhortations to *watch, stand fast in the faith, and be strong*; to look unto Jesus, who is the finisher as well as the author of faith; and through him to obtain the victory — BUT there is no *promise* which secures them, when they yield to temptations, from the possibility of backsliding, or even from falling into such sins as wound the reputation of religion and *give great occasion to the enemies of the Lord to blaspheme.* Can therefore their conduct, which ought to be a practical comment upon the divine law, when it becomes the reverse, disannul the obligation to obedience? Will their personal piety justify their deviations from the commandments of God, or will it be right and safe for others, to take encouragement from their backslidings to commit the same crime?

David was a pious man—but could the sins of which he was guilty abrogate the decalogue, or recommend such enormous transgressions to the imitation of others? Peter was a pious man—But could his denial of his Lord frustrate the divine law or suggest any argument to render falsehood and profanity innocent and commendable? *Let God be true, but every man a liar.* The law of God is the rule of conduct. Not the acts of men, not even of the most advanced saints. Sin, wherever it exists, and by whomsoever it is perpetrated, is that abominable thing which God hates and will assuredly punish. This awful and interesting truth is confirmed by the divine procedure in the instance of David. The humble penitent was pardoned, but a train of desolating judgments afflicted his family, and filled his cup with bitterness. So far from lessening the evil, when committed by his own people, it becomes enhanced, and sin in them, is *exceeding sinful*. If they be indeed regenerate and pious, the Lord “will take away their sin; they shall not die. There is redemption through the blood of Christ; even the forgiveness of sins.” Grace will prevail; and when the obstacle to their being received again into communion shall be removed, either by the

death of the sister whom they had married, or by the separation of the parties, they will not only profess contrition for having *offended the Church*, but also for *the sin itself*, by which they have *offended their God*.

To their divine Saviour the penitent transgressors are referred ; but let not their conduct, in committing this crime, be any more suggested as an example to be imitated. And let the Churches indulge the hope that whatever others may do,\* no members, and especially none who are esteemed for their piety, will never again excite grief, and cause offence, by marrying a **SISTER IN LAW**.

\* 1 Cor. v. 12, 13.



## SECTION X.

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### TESTIMONY.

WHEN a proposition has been demonstrated, and the objections supposed to militate against it are refuted; nothing more can be demanded to confirm its truth, and render it worthy of all acceptance. Human testimony is not requisite to establish the meaning or augment the authority of the law of God. His law possesses its own intrinsic evidence, and is its own interpreter. But if it can be shown that the greatest and best men, who in different ages, adorned the Christian Church, have unequivocally concurred in adding their decided testimony, and have professed exactly the same sentiment; it will at least induce a favourable attention to the arguments, and convince the unprejudiced reader, that the expositions and reasonings are not rash and inconsiderate.—A few only will be selected from a numerous host; which shall be closed with docu-

ments of importance to the Reformed Dutch Church.

In several Ecclesiastical COUNCILS it was decreed, "That all marriages within the prohibited degrees were incestuous and void; and that the contracting parties should be cast out of the communion of the Church." The marriage with a sister in law was expressly mentioned and included within the prohibited degrees. In this decision the Church was supported by the civil law of the Roman Empire after it became Christian, which expressly interdicted such marriages, and pointedly forbade a man to marry the wife of a deceased brother, or the sister of a deceased wife. See *inter alia*, "*Fratri uxorem ducendi, vel duabus sororibus conjungendi penitus licentiam summovemus, &c.* we absolutely withhold the liberty of marrying the wife of a brother, or joining in wedlock with two sisters." *Cæsar. Cod. Lib. v. Tit. v. de Incest. nupt. Leg. 5.*

Among the FATHERS IN THE GREEK CHURCH, as they are called; ORIGEN upon Levit. 20. CHRYSOSTOM Homil. 71 on Mat. 22.; and BASIL, unite in asserting the universal and unchangeable

obligation of the law of Leviticus against Incest. Basil, who lived in the fourth century and for his learning and piety, was distinguished by the title of **THE GREAT**, has expressed his sentiments upon this subject, with a precision, zeal and force of argument, which reflect honour upon his understanding and his heart. He is decided, and lays it down as a foundation, that the laws in Levit. 18. and 20. respecting marriages are moral and still in force. Only a few paragraphs can be here extracted and translated from his epistle to Diodorus.—“Letters were brought to us under the signature of Diodorus, but excepting the name, there was nothing of Diodorus in them. It seems your name was prefixed to add weight to the question, whether it is lawful for a man to marry the sister of his deceased wife. And by this forgery, to recommend and support an obscene transaction. I would have sent you the Letters, if they had been at hand, to enable you to vindicate both yourself and the truth, but as the person who had those letters is absconded, and is making a bad use of them, I now write to you, that we may detect this spurious work and prevent its proving injurious to any.—We might in the first instance object, and in matters of this kind, such objection is

of great importance, that *among us Christians*, there is no such custom, and custom has the authority of law.—But I am far from allowing that the divine Lawgiver has been silent upon this subject; on the contrary, I assert that he has most severely and pointedly interdicted such marriages—for that alone, *thou shalt not approach to any who is near of kin*, certainly includes this species of relation; for what is so near to a man as his wife, are they not *one flesh*? By the wife therefore, her sister becomes nearly related to the husband. For as he may not marry the mother of his wife, or the daughter of his wife, so for the same reason that he may not take the mother or the daughter, he may not take the sister of his wife; yea, no more than he may take his own sister by blood.—If they cannot contain, let them marry, even so, but it is not said they may contract unlawful marriages—doth not nature herself frown upon such indecent connections, which obliterate the very appellations of relatives? By what name of alliance can those be designated who are born in such wedlock? will you call them brothers, or cousins? the confusion has rendered them both. O man, do not make the aunt become the mother of your former babes; nor raise implacable rivalships

in your family. In fine, if any man wishes to enter into a lawful marriage, the whole world is before him.—But I must close, and I pray my warnings may check this inordinate concupiscence ; or that it be limited to places where it is tolerated, and that such wickedness may never be suffered to progress in our country.”

HESYCHIUS on Levit. xviii. and xx. proves that these prohibitions were universally obligatory, because both the Egyptians and Canaanites are taxed for marrying within those degrees ; from whence he infers, “that they are of moral and eternal obligation.”

Of the LATIN FATHERS ; TERTULLIAN, who lived within a century after the Apostles, expressly declares, “that the law forbidding to marry a sister in law is still binding upon Christians.” Lib. iv. *contra Marcionem* ; and AMBROSIUS Lib. viii. Epist. 66 ; JEROME *contra Helvidium* ; and AUGUSTINUS *contra Faustum*, Cap. 8, 9, 10. quest. 64. *de Civitate Dei*. cap. xvi. &c. All held to the moral nature and universal extent of the law of Leviticus ; they particularly refuted the objections urged

from Abraham's marrying his half sister, and Jacob's marrying two sisters at the same time ; as well as, from the dispensation in the law of Deut. 25. And they proved it to be absolutely unlawful for a man to marry his sister in law.

What the *Grecian* and *Latin* Fathers maintained upon this subject, has been well expressed in the following summary. "The law of marriage was originally given by God to Adam in the state of innocence, with this declaration that man and wife *were one flesh* ; but being afterwards corrupted by the incestuous commixtures of those which were near of kin, in the nearest degrees, the primitive law was again revived by Moses. And, those prohibitions respecting the degrees of kindred and affinity, are not to be considered, as new laws and judiciary precepts, but as a restoring the law of nature, originally given by God, which was then much corrupted. For as the preface which is so often repeated before these laws, *I am the Lord* infers that they were conformable to the divine nature ; so the consequences of them show they were moral and natural. For the transgressions of them are called *wickedness* and *abominations*, and are said to *defile*

*the land*; and the violation of them is charged upon the Canaanites, ‘by which the land was polluted, and for which, it did vomit out the inhabitants’—from whence it must be concluded that these were not mere positive and ceremonial precepts, which were binding only upon the Jews, but were parts of the law of mankind and nature; otherwise those nations could contract no guilt by their violating them.—Among the forbidden degrees, one respects the sister in law, Levit. xviii. 16. and xx. 21. These are clear and express laws of God, which therefore must necessarily oblige all persons, of what rank or description soever, without exception.”

Among the celebrated REFORMERS there was not a dissenting voice. They were explicit and unanimous upon the subject.\* ZWINGLIUS, in a letter to Grineus, enlarges upon four points, asserting—1. That although civil magistrates should tolerate such marriages, yet no power on earth can render void the

\* MELANCHTON, with his characteristic modesty, declined to give his opinion upon the question, when requested by Henry VIII. from which, it has been suggested that he differed from his brethren in this article. But as he afterwards joined with the Lutheran divines in their decision upon that subject, he cannot be considered to have maintained opposite sentiments.—A similar conclusion may perhaps also apply to BUCER.

law of God. 2. That the Apostles made no new law respecting marriage, under the gospel, but left this article as they found it. 3. That marrying within near degrees was abhorred by the Greeks and other civilized Heathen. And, 4. That such marriages, being against the law of God, ought to be dissolved.

The sentiments of CALVIN may be satisfactorily gathered from two of his letters. One is supposed, from the closing paragraph, to have been written to Grineus. Of the other, it is uncertain to whom it was addressed. They are both to be found in the collection of his epistles. In the first he writes: "It must be maintained that the prohibition, respecting sisters in law, is one of those, which time nor place can never abrogate. It proceeds from the very fountain of nature, and is founded upon the general principle of all laws, which is perpetual and inviolable.—When the Emperor Claudius obtained the sanction of the senate to remove the opprobrium of his incestuous marriage with Agrippina, there was none found to imitate his example, excepting only one liberated slave. I mention this to show how inviolable the law of nature is, even among profane nations.—Let the examples drawn from the heathen,



if in virtue and modesty they should appear to exceed us, make us ashamed.—Indeed to me, this single admonition of Paul is sufficient: ‘Whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.’ ”

In the other letter, Calvin says: “It is sufficiently known in what degrees of *consanguinity*, God in his law forbids marriage.—What relates to the degrees of *affinity* is equally obvious. There are some who dispute, or rather cavil, whether it is not lawful for a man to take the sister of his deceased wife; and they seize, as a pretext, upon the words, Levit. xviii. 18. *during her life time*. But their error is refuted by the very words of that text. Because what is there condemned by Moses, is not for Incest, but for cruelty to the wife. That text actually respects Polygamy.”

ECOLAMPADIUS, in a letter dated 1531, asserted: “That the law in Leviticus did bind all mankind; and that the law in Deuteronomy respecting a broth-

er's marrying his sister in law was a dispensation of God to his own law, which dispensation belonged only to the Jews."—Similar citations might be made from the writings of *Beza*, *Bullinger*, *Ursinus*, *Musculus*, and *others*, who were eminent for their profound erudition and exemplary piety, in the reformed Cantons of Switzerland, in Geneva, and on the Rhine.

It has already been noticed, section vi. that the ROMAN CATHOLICS, corrupted as they are in doctrines, modes of worship, and government, have always acknowledged the extent and universal obligation of the law of Levit. respecting incest.—That notwithstanding the shameful dispensations which for political purposes, have frequently been made; many of their universities and dignified prelates have boldly disputed the authority of the Popes, and contradicted their right to dispense with the law of God. Beside the citations referred to above, there is a singular anecdote mentioned by *Johannes Turra Crema-ta*, which he says happened while he was Cardinal; "That a king of France applied for permission to marry the sister of his deceased wife, but was refused."

All the **PROTESTANT CHURCHES** have uniformly considered and unequivocally maintained, a marriage with a sister in law to be incestuous. A few documents respecting the principal denominations, will abundantly illustrate and confirm this assertion.

The sentiments of the **LUTHERAN CHURCH** are accurately expressed by those celebrated divines, who, in the name of their Church, replied to the inquiry, made by **HENRY VIII.** whether it was lawful for a man to marry his sister in law? In their famous Letter, they prove the Law of **Levit. xviii.** to be of universal obligation, and adopt the most forcible language in reprobating such marriages. They close by saying; “It is manifest and cannot be denied, that the law of **Levit. xviii.** prohibits a marriage with a sister in law—this is to be considered as a divine, a natural, and a moral law, against which no other law may be enacted, or established. Agreeably to this, the whole Church has always retained this law, and judged such marriages to be incestuous. Agreeably to this also, the decrees of Synods, the celebrated opinions of the most holy Fathers, and even the civil laws, prohibit such marriages, and pronounce them to be incestuous. Wherefore we also judge that this

law is to be preserved in all the Churches, as a divine, a natural, and a moral law ; nor will we dispense with, or permit in our Churches, that such marriages shall be contracted ; and this doctrine we can, and as God shall enable us, we will resolutely defend.”

In an Exposition of the *Augsburgh confession of faith*, by a learned Danish divine, the opinion of the Lutheran Church respecting this article, is thus expressed, “ whoever is inclined and resolved to enter into the matrimonial state, ought to begin in the fear of God ; and to look out for a person who is not nearly related to him, either *in blood or by marriage*—see Levit. xviii. and xx. and here, let it be observed, that where a man is forbidden to marry any near of kin, there the female is understood to be equally prohibited, in the same degree of relation, although the woman be not mentioned. So Levit. xviii. 14. *thou shalt not approach thy father’s brother’s wife*, includes also the mother’s brother’s wife. So consequently, no woman may take *her sister’s husband*, for the relation of a brother’s wife and of a sister’s husband are exactly in the same degrees.” *P. S. Nakscow. prod. mat.*

A celebrated Lutheran Civilian says, “wherever a marriage is contracted within a degree prohibited by the divine law ; for instance, if a man should marry the sister of his deceased wife, there such marriage is incestuous, and ought not to be deemed a legitimate union, but stigmatized as an impure mixture. It cannot be palliated by any dispensation, but ought to be rescinded ; and the contracting parties, notwithstanding they may plead ignorance, should be punished by the magistrate. Human laws may not contravene the divine authority, nor can an inferior magistrate dispense with the precepts of the supreme Lawgiver.” *F. Balduin. Lib. iv. cap. 13. de cas. cons.*

The Church of ENGLAND, has always most strictly adhered to the table of prohibited marriages, agreeably to Lev. xviii. as published by authority and found in most of the English editions of the bible. Among other degrees forbidden in the male branch, is Art 17. “A man may not marry his *wife’s sister*,” of his deceased wife,” in the female, Art. 18. “a woman may not marry her *sister’s husband*.” That every marriage within these prohibited degrees, will, by the Canon law of England, subject the parties to

severe penalties, and to immediate excommunication from the Church, is well known.

The Church of SCOTLAND appears to have been so deeply impressed with a conviction of the enormous evil of Incest, that she has introduced the subject even into her confession of faith, and fixed the principles of prohibited degrees, in language the most intelligible and decided. "Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the word; nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as those persons may live together as man and wife. The man may not marry *any of his wife's kindred* nearer in blood, than he may *of his own*; nor the woman *of her husband's kindred* nearer in blood than *of her own*." See Pardovan's collections, Book 2. Tit. v. ¶ 3. See also the Constitution of the PRESBYTERIAN CHURCH IN THE UNITED STATES, Confession of Faith, chap. xxiv. ¶ 4.

The Church of Scotland adopted the standards established by the Westminster assembly of divines. What that assembly judged of Levit. xviii. 18. may

be ascertained from the remarks made upon that text, by those learned men who were appointed by *the committee for religion* to make annotations upon the Bible.—“ Verse 18. *To her sister.* This is to be understood, not, of *two sisters*, one after another to wife, the latter upon the death of the former, for the marriage of a brother’s wife is forbidden before, verse 16. and by consequence a woman must not marry *her sister’s husband*; and so two sisters are already forbidden to be married to one man, verse 16. wherefore; this verse 18, is a prohibition of POLYGAMY, that is, of having more wives than one at once, and the reason sheweth it, that the one may not be *a vexation* to the other—The word *sister* in a general acceptation may be applied to any woman, as the word *brother* to any man, *Gen. xix. 7.* And it is to be noted, that it is sometimes applied to things, which in propriety of speech, come not under such a title or denomination; as the wings of the beast, *Ezek. i. 9.* are said to touch *a woman to her sister*, as the Hebrew phraseth it, see *Exod. xxvi. 3.*”

The Churches in AMERICA which have originated from those in Europe, and adopted their respective

standards, must be supposed to adhere to them, and to entertain the same sentiments upon this subject. It may therefore be asserted, without risking a contradiction, that there is not a respectable Church, of any denomination, in the United States, that would hesitate one moment in pronouncing such cohabitation to be incestuous, and excommunicating any member who married the sister of his deceased wife.

The testimony of the REFORMED DUTCH CHURCH, has been reserved for the last, as it is judged expedient, for the information of the members of that Church, to introduce an extract from her Canons upon the subject of Incest.

The construction which the Reformed Dutch Church puts upon Levit. xviii. verse 16. is evident from the marginal notes, which the translators, who were appointed by the national Synod of Dortrecht held 1618 and 1619, have annexed to that text. "Uit deese wet volght nootsakelyk; dat eene vrouwe met den eenen broeder getrouwt zynde, niet en magh, na syn doot, met den anderen broeder trouwen; ende gelyk formerlyk, een man met de eene suster getrouwt zynde, en magh na haare doot



d'andere suster niet trouwen. From this law it necessarily follows ; that a woman who has been married with one brother, may not, after his death, marry with the other brother ; and upon the same principle, a man who has been married to one sister, may not after her death, marry the other sister."—So their note upon verse 18. "Diens volgens en kan geensins daar uit besloten worden, dat de man *na haren doot*, haar suster soude mogen trouwen. It consequently can by no means from this be concluded, that the husband, *after the death* of his wife, may marry her sister."

A DOCUMENT which expresses the sentiments of the Reformed Dutch Church upon the law respecting Incest in general, and the marriage with a sister in law in particular, is found in an interesting publication, under the signature of the Professors of Theology in Leyden, dated Kal. July, 1711.

A man who resided in the western parts of Germany, on the confines of the Netherlands, had married his sister in law. The chief magistrate of that district, from favour and personal attachment, approved the marriage ; but the Churches there re-

monstrated against it; and by a formal application, requested the sentiments and direction of the Church of Holland in the case. It was brought before the Synod of South Holland and determined to be incestuous. To render public the grounds of their decision, and warn the members of their own Church against a similar crime, the Synod requested the celebrated professors MARK, VAN TIL, and FABRICIUS to exhibit a correct view of the divine law against Incest, and the prohibition with respect to this particular case.—It would gratify the reader to have the whole of this judicious publication translated and inserted here. But the limits of this dissertation forbid it—a few paragraphs only can be introduced.

“ The divine Law is not only *that* which proceeds from the perfections of God, such as the command to love, fear, and serve him, and the injunction not to worship other gods, not to profane the divine name, &c. but also, *that* which God, in his infinite wisdom and good pleasure, has positively enjoined upon all men, and in all places. In this two-fold view of the moral law a distinction is evident. For while God cannot, consistent with his own perfections, deter-

mine otherwise respecting the *former*, nor make any exceptions, or in any case, dispense with obedience ; yet, as to the *latter*, he might have determined the contrary, and can at any time, dispense with obedience, or make whatever exceptions his infinite wisdom and good pleasure shall dictate.—In this latter class may be ranked, among many others, the laws concerning marriage, which constitute an union between one man and one woman ; and forbid its dissolution excepting in case of adultery or death.—Although these laws do not appear to be deduced from the essential perfections of God, yet, when revealed, they are justly considered to be moral, divine, and universal.—Men possess no more power to dispense with this latter kind of laws than with the former. For the will of God, from whatever source it proceeds or however it may be promulgated, must conscientiously be observed as the rule of conduct ; and human commands, opinions, or dispensations can never sanction its violation.—The principle upon which all the prohibitions in the law against Incest proceeds, is, that the relation of consanguinity and affinity, in the question respecting marriage, is the same.—The universal opinion of both ancient and modern divines accords with our sentiment.”

“ The *objection*, that perhaps pious persons have committed this crime, is of no weight ; for all the actions of the pious are not to be approved.—To object, that there can be nothing in the transaction inconsistent with the holiness of God, or else the precept would never have been dispensed with, as in Deut. xxv. is groundless. This is not the question, nor is it denied by us. We know that God cannot command, or even permit any thing, in opposition to his holiness, or any of the other divine perfections ; nor will he do any thing which is a denial of himself. But surely when he has prescribed any duties, which do not *necessarily* proceed from his holiness, or any other essential perfection ; it can never be concluded from any particular exception or dispensation, that the law, so dispensed with by God himself, is not of a moral nature, and of universal and perpetual obligation.”

“ Through the grace of God, we know not, that either in Holland or throughout all the Reformed Churches, any other instance of marrying a relative so near as a sister (and nearer there cannot be, unless it should take place between parents and children) has happened. If any do exist, they must be imputed

to the wicked, imprudent and rash counsels of men, with whom we will have no connection, and who will have to render an awful account to God.—The law prohibiting Incest in general, and particularly a marriage with a sister in law, is acknowledged to be divine throughout Christendom, especially in all the Reformed Churches, and certainly in Holland. A law which subsists, even if it had not been adopted and established by the statutes of the civil Government.”\*

The REFORMED CHURCH is established by law in Holland, and is consequently the National Church. Her Canons are therefore recognised by the civil Government, and made the laws of the State. The Canon which relates to marriages is comprised in the Statute entitled “*De politijcque ordonnantie van Hollandt, begrypende het gantsche Eghtreglement, solemniteyt, Aanteeckenen, proclamaticn, verboden graden van maegschap en swagerschap, overspel, &c. den. 1 April, 1580.*” What relates to the

\* This learned Dissertation of the Professors has been republished and may be found in *Prof. De Moor's Comment. perpet. in Markii Compend. Theologiae Christianae*, vol. vii. quarto.

*verboden graden*, or *Incest*, is found in paragraphs IV. to XI. and is here faithfully translated.

## IV.

Since, agreeably to the divine, the natural, and statute laws respecting holy wedlock, which is an ordinance of God, instituted for the honourable support and propagation of the human race, it is forbidden to contract marriages between those who are related within certain degrees in blood or affinity—**THEREFORE** the States have expressly specified the following prohibited degrees, that all may be well informed, and none may pretend to be ignorant. Ordering and forbidding upon this subject, that no persons, whatever may be their rank, condition, or denomination, who are related in blood or by affinity, within the degrees to be mentioned, shall cohabit, or marry together, under the penalty of not only being declared infamous, but being subjected to corporal punishment and fine, as by the statutes against Incest is enacted.

## V.

No ascendants may marry with their descendants, that is, parents with their children, reckoning upwards or downwards, in infinitum.

## VI.

Brothers may not marry with their sisters, whether of full or half blood.

## VII.

Uncles may not marry with their nieces, that is, with their brother's or their sister's children or grand children and descendants, nor may aunts be married to their nephews, that is to their brother's or sister's sons, or grand children and descendants; both in infinitum; since uncles and aunts, with respect to their nephews, sustain the place of fathers and mothers.

## VIII.

With respect to the degrees of AFFINITY, or the relation produced by marriage: as the bond of mar-

riage creates a communion, whereby husband and wife are made ONE ; so it is equally interdicted and forbidden for a man to marry with any person related by blood or marriage to his deceased wife ; or for a woman with any person related by blood or marriage to her deceased husband, who is within the degrees above specified ; under the like penalty of being declared infamous, with corporal punishment and fine. For instance, no man may marry with his daughter in law, that is, the widow of his son, nor with the widow of his son's or daughter's son, and so on downwards, with no widow of any of his descendants. Also, no woman may be married to her son in law, that is, with the husband of her deceased daughter, nor with the husband of the daughter of her son or daughter, and thus with no one who has been the husband of any of her descendants.

## IX.

No man may marry his step daughter, that is, the former daughter of his wife, nor with any of the descendants of his step children. So also no woman may be married to her step son, or the former son of her deceased husband, nor with any of the descendants of her step sons.



## X.

No man may marry the remaining widow of his deceased brother; nor any woman the husband of her deceased sister.\*

## XI.

No man may marry the widow of his deceased nephew, whether it be the widow of the son of his brother or sister, nor the widow of any of his brother's or sister's descendants. So also no woman may be married to the husband of her niece, that is, to the husband of her brother's or sister's daughter, nor to any man who has been the husband of her brother's or sister's children's children or descendants. See *Kerkelyk Plakaat-Boek, behelzende de Plakaaten, Ordinantiën, ende Resolutiën over de Kerkelyke Zaaken.* door *N. Wiltens.* Quarto. deel. 1. page 804. &c.†

\* Egeen man mach trouwen de negelaten weduwe van sijnen overleden broeder; noch egeene vrouwe den man van haare overledene suster.

† The writer of this Dissertation recollects, that while in Europe, he received information by letters, of a member of the Church having married the sister of his deceased wife; a case which was the first that was recollected to have happened in America, and which excited great uneasiness. The informed communicated this to an eminent minister, (Professor H.) and asked him, how the Church of Holland would proceed in such a case? To which he replied: "It is a case which cannot happen in Holland. It is forbidden by the Canons of the Church, and by the civil laws of the state. Any minister who knowingly solemnised such a marriage would be instantly deposed; the incestuous connection would be declared null and void; and the parties severely punished."



## SECTION XI.

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### CONCLUSION.

**LET** *us hear the conclusion of the whole matter.*

What is the practical result? **THE LORD GOD FORBIDS A MAN TO MARRY HIS SISTER IN LAW; WHETHER SHE BE THE WIDOW OF HIS DECEASED BROTHER, OR THE SISTER OF HIS DECEASED WIFE. BY THE DIVINE LAW SHE IS HIS SISTER. SHE IS NEAR OF KIN TO HIM. IT IS INCEST.**

Marriage is a divine Institution. The law of God respecting that ordinance must **THEREFORE** remain the only standard, by which a judgment can be formed concerning the parties who may *lawfully* enter into that holy state, as well as of the duties incumbent for its protection after consummation.

The Union produced by marriage constitutes a source of kindred and creates relatives, which, as it respects the parties in the connubial connection, is

declared by the great Lawgiver, to be equally near with that in blood. THEREFORE, the relatives by affinity are to be estimated in the same degree with those of consanguinity ; and the nearness of kin must be measured by the same scale.

Incest is a crime abhorred of God and detested by men ; a crime against which the Church is enjoined to be vigilant, and is commanded to cast those who have committed it, out of her communion. THEREFORE she may not look upon it with indifference, nor delay to punish it with immediate censure.

The Moral Law of God, whether it be founded in his perfections and in our nature, or proceed from a positive precept, is of universal and perpetual obligation ;—The law contained in Levit. xviii. 6—17. xx. 11, 12. 14. 17. 19. 20, 21. is not ceremonial or restricted to the Theocracy, but is a moral law. THEREFORE, it must of necessity bind Christians and all Mankind, equally with the Jews, and the precept which prohibited a marriage with a sister in law under the Old, forbids also a similar marriage under the New-Testament.

In Marriage the dearest comforts of the human family are involved, and society is deeply interested in the preservation of its purity. **THEREFORE**, it is incumbent upon the Community to stigmatise with infamy every species of Incest, and particularly to denounce a marriage between brothers and sisters in law, as an evil practice of modern date, as indecent, and inimical to virtue.

The Church cannot possibly avoid being offended with such marriages. It is **THEREFORE** inadmissible, for those who contract them, to plead ignorance of offence; nor can they have any cause for complaint, when they are made to feel the weight of that authority wherewith the Lord Jesus has invested his church, and which she is bound, without partiality, to exercise.

It is conceded that brothers and sisters in law are prohibited to intermarry by the law in Leviticus; and it has been proved that the Objections, against the extent of that law, and its binding power upon Christians are unfounded and frivolous. **THEREFORE**, those objections ought to be abandoned and never, from interest or prejudice, be again suggested.

The greatest and best Men in every age of the Christian dispensation, who have been a blessing to the World, and an honour to the Church, have uniformly determined the law of Leviticus, against Incest, to be moral and of universal obligation, and have decidedly declared the marriage with a sister in law to be incestuous ; and all the Churches of every denomination have concurred in this judgment : it will THEREFORE, be advisable for those who deny this doctrine, to suspect their own private opinions, and read more and study the subject better, before they venture to oppose Men of erudition, piety and character, with whom, to institute a comparison, would be odious and humiliating.

THE REFORMED CHURCH IN HOLLAND has established by her Canons, “ *that no man may marry his sister in law, and no woman may marry her brother in law,*” and has never deviated from that rule. — THE REFORMED DUTCH CHURCH IN AMERICA is the same with the Church of Holland, has adopted the same Canons, corresponds with that Church, and is esteemed and beloved by it, as a valuable portion of the same Church, and is bound by the most sacred obligations to transmit unim-

paired to posterity the precious treasure with which she is intrusted. There can THEREFORE be no cause of suspense, no motive for hesitation ; but on the contrary, every consideration, suggested by faithfulness to God and attachment to his Church, renders it an imperious duty, to avoid even the appearance of SCHISM, and strictly to ABIDE BY THE ESTABLISHED CANONS.

It has pleased the Lord to preserve this Church, during two centuries in America ;\* and render her conspicuous and respectable for her faithful adherence to the doctrines of the gospel and the purity of her morals. It is, THEREFORE, fervently hoped, this distinguished Church will never relax in her holy discipline, nor tarnish her high and worthy character, by abandoning her standards, or rescinding her *own Canons*—above all, that she will not be the first ; the only one in this country, or even in

\* The Records of the Reformed Dutch Church, in the City of New-York, commence in the year 1639, and contain, in several folio volumes, an accurate Register of all the successive officers of the Church, and members in full communion ; and of all the marriages and baptisms, beside the acts of the Consistory, to the present day. The former parts are written in an elegant old character, and are probably the most ancient Church Records in America.—A Copy is extant of a list of members, dated 1622, which proves that then a Dutch Church was already organized in New-York.

the world, who shall dare to contravene the law of God, and dispense with a crime which he forbids.

“The Word of the Lord endureth forever.” His people love that word. They know “the Law of the Lord is perfect; the Testimony of the Lord is sure; the Statutes of the Lord are right; the Commandment of the Lord is pure;” and the Church would consider it inconsistent and perilous to deliberate, whether what is forbidden by her Lord in his word, shall remain a rule of discipline. Instead, THEREFORE, of examining “whether the Canon or Church Order of the Reformed Dutch Church, declaring or adjudging a marriage by a man with the sister of a deceased wife, unlawful, *as forbidden in the word of God*, ought to *remain* or to *cease* as a rule of discipline in the Churches under their care and jurisdiction?”—Instead of deigning even to discuss such a question; it is most earnestly recommended, in the fear of God, and with a zeal for the purity of the Church, and the honour of Religion, that the GENERAL SYNOD will proceed promptly, decidedly, and once for all, to resolve—THAT *the Reformed Dutch Church in America will not, in this, nor any other instance, admit a suggestion to depart*



*from her standards, nor receive any application to rescind her Canons, which are all founded upon the word of God.—THAT the sister of a deceased wife is, by the divine law, the sister of the surviving husband. —THAT therefore, every man who marries the sister of his deceased wife, is by the law of God, and by the Canons of the Church, guilty of Incest, and shall, if a member, be cut off from the communion and privileges of the Church.*

FINIS.

